

*State of Iowa*

**JOURNAL  
OF THE SENATE**

**2001**

**REGULAR SESSION**

**SEVENTY-NINTH**

**GENERAL ASSEMBLY**

**Convened January 8, 2001**

**Adjourned May 8, 2001**

**Volume I**

**January 8–April 27**

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

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Des Moines



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SEVENTY-NINTH GENERAL ASSEMBLY  
2001 Regular Session

OFFICERS OF THE SENATE

MARY E. KRAMER, <i>President</i> .....	West Des Moines
ANDREW J. McKEAN, <i>President Pro Tempore</i> .....	Anamosa
STEWART IVERSON, JR., <i>Majority Leader</i> .....	Dows
MERLIN E. BARTZ, <i>Assistant Majority Leader</i> .....	Grafton
NANCY J. BOETTGER, <i>Assistant Majority Leader</i> .....	Harlan
GENE MADDOX, <i>Assistant Majority Leader</i> .....	Urbandale
JOHN REDWINE, <i>Assistant Majority Leader</i> .....	Sioux City
KEN VEENSTRA, <i>Assistant Majority Leader</i> .....	Orange City
MICHAEL E. GRONSTAL, <i>Minority Leader</i> .....	Council Bluffs
JOHNIE HAMMOND, <i>Assistant Minority Leader</i> .....	Ames
STEVEN D. HANSEN, <i>Assistant Minority Leader</i> .....	Sioux City
JOHN P. "JACK" KIBBIE, <i>Assistant Minority Leader</i> .....	Emmetsburg
MATT McCOY, <i>Assistant Minority Leader</i> .....	Des Moines
BETTY A. SOUKUP, <i>Assistant Minority Leader</i> .....	New Hampton
MICHAEL E. MARSHALL, <i>Secretary of the Senate</i> .....	Urbandale
JEN ASA, <i>Communications Director to Majority Leader</i> .....	Ankeny
BECKY BEACH, <i>Administrative Assistant to President of the Senate</i> .....	Des Moines
ARNOLD BOYUM, <i>Doorkeeper</i> .....	Des Moines
K'ANN BRANDT, <i>Senior Journal Editor</i> .....	Ankeny
LORI BRISTOL, <i>Confidential Secretary to the Secretary of the Senate</i> .....	Cumming
LOIS BROWNELL, <i>Finance Officer</i> .....	Des Moines
SVEND A. CHRISTENSEN, <i>Doorkeeper</i> .....	Des Moines
CYNTHIA A. CLINGAN, <i>Senior Assistant Secretary of the Senate</i> .....	Des Moines

STEPHEN CONWAY, <i>Minority Caucus Senior Research Analyst</i> .....	West Des Moines
TOM COPE, <i>Administrative Assistant to Majority Leader</i> .....	Des Moines
ANISSA COWLEY, <i>Majority Caucus Secretary/Research Assistant</i> .....	Des Moines
KATHLEEN CUROE, <i>Indexer/Records and Supply</i> .....	Des Moines
JAMES DALEY, <i>Majority Caucus Research Analyst</i> .....	Urbandale
ANGELA DORSEY, <i>Majority Caucus Research Analyst</i> .....	Winterset
ANN DOUGHERTY, <i>Majority Caucus Staff Communications Director</i> .....	West Des Moines
JAMES DOUGLAS, <i>Doorkeeper</i> .....	Huxley
PAMELA DUGDALE, <i>Majority Caucus Senior Research Analyst</i> .....	West Des Moines
JAMES FITZGERALD, <i>Minority Caucus Research Analyst</i> .....	Des Moines
JIM FRIEDRICH, <i>Majority Caucus Research Analyst</i> .....	Ankeny
JO ANN HANOVER, <i>Administrative Assistant to the Minority Leader</i> .....	Des Moines
JANET HAWKINS, <i>Journal Editor</i> .....	Bondurant
ELEANOR HESSLING, <i>Postmaster</i> .....	West Des Moines
CAROLANN JENSEN, <i>Majority Caucus Senior Research Analyst</i> .....	Osceola
STACEY JOHNSON, <i>Majority Caucus Research Analyst</i> .....	West Des Moines
THERESA L. KEHOE, <i>Minority Caucus Senior Research Analyst</i> .....	Des Moines
WILLIAM L. KRIEG, <i>Sergeant-at-Arms</i> .....	Des Moines
JEFF LAKE, <i>Minority Caucus Research Analyst</i> .....	Des Moines
ROBERT LANGBEHN, <i>Doorkeeper</i> .....	Des Moines
LINDA LAURENZO, <i>Senior Finance Officer</i> .....	Clive
ERIC LEE, <i>Assistant to Legal Counsel</i> .....	Des Moines
FRANK LOEFFEL, <i>Doorkeeper</i> .....	Des Moines
KAYE LOZIER, <i>Administrative Assistant to President of the Senate</i> .....	Des Moines
RUSTY MARTIN, <i>Minority Caucus Research Analyst</i> .....	Perry

JACE MIKELS, <i>Minority Caucus Staff Secretary</i> .....	Des Moines
JAY MOSHER, <i>Bill Clerk</i> .....	Milo
JANELLE MUMMEY, <i>Majority Caucus Staff Secretary</i> .....	Des Moines
KATHY OLAH, <i>Indexer</i> .....	Des Moines
DEBBIE O'LEARY, <i>Minority Caucus Senior Staff Director</i> .....	Urbandale
LUANN RANDLEMAN, <i>Administrative Secretary to the Secretary of the Senate</i> .....	Ankeny
KIMBERLY RUSSELL, <i>Switchboard Operator</i> .....	Des Moines
TOM SHELDAHL, <i>Assistant Sergeant-at-Arms</i> .....	West Des Moines
JULIE T. SIMON, <i>Minority Caucus Research Analyst</i> .....	Des Moines
JACKI SOUER, <i>Switchboard Operator</i> .....	Indianola
KERMIT A. TANNATT, <i>Doorkeeper</i> .....	Des Moines
MEGAN THOMPSON, <i>Assistant Journal Editor</i> .....	Ankeny
PAUL UNDERHILL, <i>Doorkeeper</i> .....	Ankeny
BEVERLY WALSMITH, <i>Secretary to Majority Leader</i> .....	Des Moines
PAT WARD, <i>Majority Caucus Staff Director</i> .....	Clive
ANDREW WARREN, <i>Majority Caucus Research Analyst</i> .....	Des Moines
MELISSA WATSON, <i>Administrative Assistant to the Minority Leader</i> .....	Des Moines
KERRY WRIGHT, <i>Minority Caucus Research Analyst</i> .....	Des Moines

**ELECTED STATE OFFICIALS**

Official Address: Des Moines, Iowa

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

**JUSTICES OF THE IOWA SUPREME COURT**

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

**JUDGES OF THE IOWA COURT OF APPEALS**

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

MEMBERS OF THE SENATE  
SEVENTY-NINTH GENERAL ASSEMBLY  
2001 REGULAR SESSION

**JEFF ANGELO**

Address.....Creston  
Age.....36  
Occupation .....Economic Developer  
Senatorial District .....44–Adams, Decatur, Page, Ringgold, Taylor, Union  
Former Legislative Service.....77, 78

**MERLIN E. BARTZ**

Address.....Grafton  
Age.....39  
Occupation .....Farmer/Laborer  
Senatorial District .....10–Cerro Gordo, Mitchell, Worth  
Former Legislative Service.....74, 74X, 74XX, 75, 76, 77, 78

**JERRY BEHN**

Address.....Boone  
Age.....46  
Occupation .....Farmer/Agribusiness  
Senatorial District .....40–Boone, Carroll, Greene  
Former Legislative Service.....77, 78

**DENNIS H. BLACK**

Address.....Grinnell  
Age.....61  
Occupation .....Conservationist  
Senatorial District .....29–Jasper, Mahaska, Marshall, Poweshiek  
Former Legislative Service.....70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78

**NANCY J. BOETTGER**

Address.....Harlan  
Age.....57  
Occupation .....Farmer/Former Educator  
Senatorial District .....41–Audubon, Harrison, Pottawattamie, Shelby  
Former Legislative Service.....76, 77, 78

**JOE BOLKCOM**

Address.....Iowa City  
Age.....44  
Senatorial District .....23–Johnson  
Former Legislative Service.....78

**MICHAEL W. CONNOLLY**

Address.....Dubuque  
Age.....55  
Occupation .....School Administrator  
Senatorial District .....18—Dubuque  
Former Legislative Service.....68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,  
73, 74, 74X, 74XX, 75, 76, 77, 78

**DICK L. DEARDEN**

Address.....Des Moines  
Age.....62  
Occupation .....Retired  
Senatorial District .....35—Polk  
Former Legislative Service.....76, 77, 78

**PATRICK J. DELUHERY**

Address.....Davenport  
Age.....58  
Occupation .....College Teacher  
Senatorial District .....22—Scott  
Former Legislative Service.....68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,  
73, 74, 74X, 74XX, 75, 76, 77, 78

**RICHARD DRAKE**

Address.....Muscatine  
Age.....73  
Occupation .....General Farming  
Senatorial District .....24—Johnson, Louisa, Muscatine, Scott  
Former Legislative Service.....63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71,  
72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78

**ROBERT E. DVORSKY**

Address.....Coralville  
Age.....52  
Occupation .....Job Developer, Community-Based Corrections  
Senatorial District .....25—Johnson, Linn  
Former Legislative Service.....72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78

**THOMAS L. FIEGEN**

Address.....Clarence  
Age.....42  
Occupation .....Bankruptcy Lawyer  
Senatorial District .....20—Cedar, Clinton, Jones, Scott  
Former Legislative Service.....None

**WILLIAM “BILL” FINK**

Address..... Carlisle  
Age..... 45  
Occupation ..... Teacher  
Senatorial District ..... 45—Marion, Warren  
Former Legislative Service..... 75, 76, 77, 78

**TOM FLYNN**

Address..... Epworth  
Age..... 45  
Occupation ..... Business Owner  
Senatorial District ..... 17—Delaware, Dubuque, Jackson  
Former Legislative Service..... 76, 77, 78

**GENE FRAISE**

Address..... Fort Madison  
Age..... 68  
Occupation ..... Farming  
Senatorial District ..... 50—Des Moines, Lee  
Former Legislative Service..... 71 (2nd), 72, 72X, 72XX, 73,  
74, 74XX, 75, 76, 77, 78

**MARY LOU FREEMAN**

Address..... Alta  
Age..... 59  
Senatorial District ..... 5—Buena Vista, Cherokee, Clay, O’Brien, Plymouth, Pocahontas  
Former Legislative Service..... 75 (2nd), 76, 77, 78

**E. THURMAN GASKILL**

Address..... Corwith  
Age..... 65  
Occupation ..... Farmer  
Senatorial District ..... 8—Hancock, Humboldt, Kossuth, Winnebago, Wright  
Former Legislative Service..... 77 (2nd), 78

**SANDRA H. GREINER**

Address..... Keota  
Age..... 55  
Occupation ..... Farmer  
Senatorial District ..... 48—Keokuk, Mahaska, Marion, Wapello, Washington  
Former Legislative Service..... 75, 76, 77, 78

**MICHAEL E. GRONSTAL**

Address..... Council Bluffs  
Age.....50  
Senatorial District ..... 42—Pottawattamie  
Former Legislative Service..... 70, 71, 72, 72X, 72XX, 73,  
74, 74XX, 75, 76, 77, 78

**JOHNIE HAMMOND**

Address..... Ames  
Age.....68  
Occupation ..... Legislator  
Senatorial District ..... 31—Story  
Former Legislative Service..... 70, 71, 72, 72X, 72XX, 73,  
74, 74X, 74XX, 75, 76, 77, 78

**STEVEN D. HANSEN**

Address..... Sioux City  
Age.....45  
Occupation ..... Adjunct Instructor  
Senatorial District ..... 1—Woodbury  
Former Legislative Service..... 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78

**PATRICIA HARPER**

Address..... Waterloo  
Age.....68  
Occupation ..... Retired Educator  
Senatorial District ..... 13—Black Hawk  
Former Legislative Service..... 72, 72X, 72XX, 73, 75, 76, 77, 78

**JACK HOLVECK**

Address..... Des Moines  
Age.....57  
Occupation ..... Attorney  
Senatorial District ..... 36—Polk  
Former Legislative Service..... 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73,  
74, 74X, 74XX, 75, 76, 77, 78

**WALLY E. HORN**

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

**STEWART IVERSON, JR.**

Address.....Dows  
Age.....50  
Occupation ..... Farmer  
Senatorial District .....9—Franklin, Hamilton, Hardin, Wright  
Former Legislative Service.....73 (2nd), 74, 74X, 74XX, 75, 76, 77, 78

**JOHN W. JENSEN**

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

**JOANN JOHNSON**

Address.....Adel  
Age.....51  
Senatorial District .....39—Adair, Dallas, Guthrie, Madison  
Former Legislative Service.....76, 77, 78

**JOHN P. “JACK” KIBBIE**

Address.....Emmetsburg  
Age.....71  
Occupation ..... Farmer  
Senatorial District .....4—Clay, Dickinson, Emmet, Kossuth, Palo Alto  
Former Legislative Service.....59, 60, 60X, 61, 62, 73, 74, 74X, 74XX, 75, 76, 77, 78

**STEVE KING**

Address.....Kiron  
Age.....51  
Occupation ..... Construction Contractor  
Senatorial District .....6—Crawford, Ida, Monona, Sac, Woodbury  
Former Legislative Service.....77, 78

**MARY E. KRAMER**

Address.....West Des Moines  
Age.....65  
Senatorial District .....37—Polk  
Former Legislative Service.....74, 74X, 74XX, 75, 76, 77, 78

**JEFF LAMBERTI**

Address.....Ankeny  
Age.....38  
Occupation.....Attorney  
Senatorial District.....33—Polk  
Former Legislative Service.....76, 77, 78

**MARY A. LUNDBY**

Address.....Marion  
Age.....52  
Occupation.....Legislator  
Senatorial District.....26—Linn  
Former Legislative Service.....72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78

**GENE MADDOX**

Address.....Clive  
Age.....62  
Occupation.....Lawyer  
Senatorial District.....38—Dallas, Polk  
Former Legislative Service.....75, 76, 77, 78

**MATT McCOY**

Address.....Des Moines  
Age.....34  
Occupation.....Vice President—Industry Relations, Ruan Transportation  
Senatorial District.....34—Polk  
Former Legislative Service.....75, 76, 77, 78

**ANDREW J. McKEAN**

Address.....Anamosa  
Age.....51  
Occupation.....Lawyer/Innkeeper  
Senatorial District.....28—Jones, Linn  
Former Legislative Service.....68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,  
73, 74, 74X, 74XX, 75, 76, 77, 78

**LARRY McKIBBEN**

Address.....Marshalltown  
Age.....54  
Occupation.....Lawyer  
Senatorial District.....32—Marshall, Story  
Former Legislative Service.....77, 78

**PAUL McKINLEY**

Address..... Chariton  
Age..... 53  
Occupation ..... Businessman  
Senatorial District ..... 46—Appanoose, Clarke, Davis, Lucas,  
Monroe, Van Buren, Wayne  
Former Legislative Service..... None

**DERRYL McLAREN**

Address..... Farragut  
Age..... 51  
Occupation ..... Farmer  
Senatorial District ..... 43—Cass, Fremont, Mills, Montgomery, Pottawattamie  
Former Legislative Service..... 74, 74X, 74XX, 75, 76, 77, 78

**DAVID MILLER**

Address..... Libertyville  
Age..... 54  
Occupation ..... Attorney  
Senatorial District ..... 47—Jefferson, Van Buren, Wapello  
Former Legislative Service..... 78

**DONALD B. REDFERN**

Address..... Cedar Falls  
Age..... 55  
Occupation ..... Attorney  
Senatorial District ..... 12—Black Hawk  
Former Legislative Service..... 75 (2nd), 76, 77, 78

**JOHN REDWINE**

Address..... Sioux City  
Age..... 50  
Occupation ..... Hospital Administrator/Family Practitioner  
Senatorial District ..... 2—Plymouth, Woodbury  
Former Legislative Service..... 77, 78

**KITTY REHBERG**

Address..... Rowley  
Age..... 62  
Occupation ..... Farmer  
Senatorial District ..... 14—Black Hawk, Buchanan, Delaware, Fayette  
Former Legislative Service..... 77, 78

**SHELDON RITTMER**

Address.....DeWitt  
Age.....72  
Occupation ..... Farmer  
Senatorial District ..... 19—Clinton, Scott  
Former Legislative Service..... 74, 74X, 74XX, 75, 76, 77, 78

**NEAL SCHUERER**

Address.....Amana  
Age.....46  
Occupation ..... Restaurateur  
Senatorial District ..... 30—Benton, Black Hawk, Iowa, Tama  
Former Legislative Service.....77, 78

**MIKE SEXTON**

Address.....Rockwell City  
Age.....39  
Occupation ..... Farmer  
Senatorial District ..... 7—Boone, Calhoun, Hamilton, Webster  
Former Legislative Service.....78

**MARK SHEARER**

Address.....Washington  
Age.....48  
Occupation ..... Communications Consultant  
Senatorial District ..... 49—Des Moines, Henry, Lee, Washington  
Former Legislative Service.....73, 74, 74X, 74XX, 78

**BETTY SOUKUP**

Address.....New Hampton  
Age.....53  
Occupation ..... Legislator/Realtor/Communications Specialist  
Senatorial District ..... 15—Chickasaw, Floyd, Howard, Mitchell, Winneshiek  
Former Legislative Service.....78

**MAGGIE TINSMAN**

Address.....Davenport  
Age.....64  
Occupation ..... Social Worker/Legislator  
Senatorial District ..... 21—Scott  
Former Legislative Service..... 73, 74, 74X, 74XX, 75, 76, 77, 78

**KEN VEENSTRA**

Address..... Orange City  
Age.....61  
Occupation ..... Insurance Agent  
Senatorial District ..... 3—Lyon, O'Brien, Osceola, Sioux  
Former Legislative Service..... 76, 77, 78

**MARK ZIEMAN**

Address..... Postville  
Age.....55  
Occupation ..... Farmer/Owner, Cherry Valley Enterprises, Inc.  
Senatorial District ..... 16—Allamakee, Clayton, Fayette, Winneshiek  
Former Legislative Service..... None



# JOURNAL OF THE SENATE

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FIRST CALENDAR DAY  
FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 8, 2001

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2001 Regular Session of the Seventy-ninth General Assembly convened at 10:10 a.m., and the Senate was called to order by President Kramer.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise for Monday, January 8, and Tuesday, January 9, 2001, on request of Senator Gronstal.

## OPENING REMARKS BY THE PRESIDENT OF THE SENATE

President Kramer addressed the Senate with the following remarks:

Welcome to this historic chamber. It provides us a beautiful place to work and serves as a constant reminder of the history and tradition of the Iowa Senate. Welcome to family and friends who are here today. Welcome to our new and returning members. Congratulations to all who were recently elected.

You will find here an outstanding and helpful staff, good friends old and new, a family sort of support for one another, a unique and caring place.

We have all been given much, and as it is written, "To whom much is given, much is expected." My children refer to this as lecture 432-b.

Theodore Roosevelt said, “Far and away the best prize that life offers is the chance to work hard at work worth doing.” What we do here is work worth doing.

If we seize the opportunity to move an agenda forward, we will serve our constituents well . . . those folks who put their trust in us by giving us a precious gift—their vote.

I have no doubt we can agree on large themes:

Economic development.

By definition, increasing and enhancing the quality and number of jobs and increasing private and public wealth. Only by doing this, do we make possible the necessary investments in public service, facilities, and infrastructure that lead to the enhanced quality of life we all want. Encourage, even demand, participation by business and civic leaders, along with elected public leadership, to form collaborative and committed partnerships.

World-class education.

From earliest childhood to graduate levels of specialty. Every child arriving at school ready to learn; every child being challenged to reach their full potential; and every child having a well-prepared and caring teacher in every year and in every subject.

Quality of life unmatched elsewhere.

From air and water quality to superior public health to attractions that reflect our values and showcase our best traditions.

Care for all our citizens.

Especially those who need it most . . . those who are mentally ill, those who are disabled, those who need a temporary helping hand.

And our children.

In the words of the agenda of the Children’s Defense Fund, “It is time for American adults (us) to stop our moral hypocrisy and live the values we want our children to learn. If we want them to stop being violent, then we should stop being violent. If we want them to be honest, then we should be honest. Parents, teachers, preachers, and public officials must conduct themselves as they would want their child—or any child—to emulate. Our children need consistent love, time, attention, discipline, family stability, and limits at home and in school, and they need to see that adults in their nation, private sector, and their communities value and care for them—not as consumers or future customers to be exploited, nor as a nonvoting group to be ignored—but as heirs of America’s institutions and values.” So our behavior, as well as our policy making, is worthy of scrutiny.

Embrace our agriculture heritage.

See biotechnology not only as an economic driver, but also as one with the potential to feed the world. Accept the knowledge that we must accept changes in our mythology of farming. Our roots are deep, and change of the magnitude required feels like giving up what we believe. But “value-added” are not just words . . . they are required for sustainability.

Power to the people.

Disciplined government spending that allows us to restore dollars to Iowa families, because they will make wise choices that benefit us all.

So here we are—January 8, 2001—a new General Assembly.

Lots of talk and lots of speculation: “Who will run and for what?” “How much partisanship and conflict will occur?” “When will the ‘honeymoon’ be over?” “How many firemen-first mentalities?” “Who will focus only on the controversial, and so delay or prevent important work from being accomplished?”

We can make one another “look bad.” We can offer amendments to catch each other on “bad” votes. We can shine the light on the “splits,” partisanship, chamber differences, rural/urban.

There is equal—or perhaps more—potential to squander our opportunities than there is to seize the opportunities we have been given by our constituents.

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

Today, we are at a moment of comfort and convenience. Our tests will come during moments of challenge and controversy.

So perhaps we should practice the old Swedish proverb, “Fear less, hope more; eat less, chew more; whine less, breathe more; talk less, say more; hate less, love more; and all good things will be ours.”

## REMARKS BY THE MAJORITY LEADER

Senator Iverson addressed the Senate as follows:

I want to welcome all the Senators, staff, and visitors who are present today for the opening of the 2001 Regular Session of the 79th General Assembly. Isn't it exciting to be here again? I especially want to extend a warm welcome to those new Senators who are joining us for the first time today. I look forward to working with each and every one of you during the next few months.

Each legislative session brings with it numerous challenges, and this session will be no different than the rest. We must continue to work toward a responsible and balanced budget that reflects the priorities of Iowans. That is our job.

One way of ensuring the continued growth and prosperity of our great state is to adhere to the 99% spending limit bill that was passed some years ago. We will continue to promote Iowa values by limiting the growth of government and wasteful spending. We must put a greater emphasis on the family budget and a smaller emphasis on the government budget. By providing meaningful tax relief and eliminating wasteful spending, we are investing in Iowa's families and our people.

Although we have many challenges ahead of us, we also have many opportunities. As Senators, we are in the position to make Iowa schools the best in the nation, and we can do that by enhancing student achievement.

Continuing to do what we do best, we can make Iowa's economy more competitive by diversification and by working to create more opportunities for the citizens of Iowa.

We need to continue to promote industry in Iowa. This can be achieved by supporting and promoting the Right to Work law. Iowa's status as a Right to Work state is an important tool for luring good-paying jobs to Iowa, most especially in the rural areas. We must also continue to promote value-added agriculture and embrace the growing field of biotechnology.

These goals that I have outlined aren't just my goals; they are the goals of everyone in this room. They are the goals of the Iowans we represent. We've had a history of working together to solve Iowa's problems. We have for six consecutive years voted overwhelmingly to reduce taxes on hardworking families. We have worked together to improve our schools. We have worked together to clean up our environment while strengthening our economy.

Not all of our ideas become law, but we still must remain committed this session and into the future to developing solid solutions to the problems facing Iowans.

Finally, I also want to take this opportunity to thank the administrative staff and the staff of the central agencies for all the hard work they have provided in the past, and for their efforts in the upcoming session. I look forward to working on these issues with each and every one of you.

## REMARKS BY THE MINORITY LEADER

Senator Gronstal addressed the Senate as follows:

Thank you, Madam President.

Madam President and ladies and gentlemen of the Senate. First of all, I'd like to welcome everyone back this year, the new members, those of you that moved from the lower chamber to the upper chamber, those who won re-election last fall on the campaign trail and the holdover Senators; it is good to see you.

Normally, these opening day speeches provide a litany of issues designed to appeal to a host of different constituencies and interest groups. I'm going to depart from that tradition today and talk about just one issue: Who will teach our children?

Yesterday, I drove to Cedar Falls to drop off my younger daughter at UNI. Sara is pursuing a degree in elementary education and wants to specialize in talented and gifted. I'm proud of her. We all know from experience and from research that good teachers make a difference in the lives of students. In fact, the quality of the classroom teacher is the single most important predictor of student success.

I would like my daughter to become a teacher in Iowa. I would like her to become a member of that elite group, a group of teachers that are among the best in the nation.

Unfortunately, the future of teaching in Iowa is uncertain. We are fools if we assume that Iowa student achievement will continue to be number one or number two while Iowa teacher salaries are 35th in the nation. Eventually, either student achievement will decline or Iowa teacher salaries will increase and better reflect their success with students. The current imbalance will not continue.

We must take bold steps this year to reward those great teachers that have given our children such a good start. If we fail to act now, we will lose them to states that value education more than we do. We must show the next generation of teachers that we recognize their professionalism and will reward it accordingly.

And we must act now. Forty percent of our teachers will retire in the next ten years. There will never be a better opportunity to ensure a bright future for quality education in Iowa.

If we do the right things this year, Iowa children will continue to have the best and the brightest teachers and their school achievement will reflect this. If we do the right things this year, three or four years from now there will be a good chance my daughter will want to stay in Iowa.

If we don't do the right things, I fear I'll have to visit my grandchildren in Texas or California or one of those thirty-four states that value education more than we do.

Democrats stand here today committed to work with you in a bipartisan way to solve this challenge. Both Democrats and Republicans promised to address this issue during the last campaign. Now it is time for us to sit down and work together to make sure our children get the education they deserve.

We must commit significant new dollars to this effort. This session's response to the crisis in education can't be just another political shell game. We must do better than the majority party's last effort in this area, the one then Governor Branstad referred to as "hesitant halting half steps."

We will help no one by funding teacher salaries by crowding more kids into a single class or by stealing from technology funds or by decimating staff development budgets.

Recruiting and keeping the best teachers possible for our kids, that should be the defining issue of this session. Let me also briefly say what this session shouldn't be about. It shouldn't be about playing politics.

Election years are about defining our differences. We have just come through one of the closest and most divisive national elections in our history. What Iowans want and need now is for us to solve problems.

Let's give Iowans a break from partisan politics for this session and make this year about securing our children's future.

Thank you, Madam President.

### APPOINTMENT OF TEMPORARY SECRETARY OF THE SENATE

Senator Iverson moved that Michael E. Marshall be appointed as temporary Secretary of the Senate.

The motion prevailed by a voice vote, and Mr. Marshall appeared before the rostrum and was duly sworn to the oath of office.

### ADOPTION OF TEMPORARY RULES AND TEMPORARY COMPENSATION

Senator Iverson moved that the rules of the Senate and provisions for compensation of employees adopted by the 78th General Assembly be adopted as the temporary rules and temporary compensation provisions for the 2001 Session of the 79th General Assembly.

The motion prevailed by a voice vote.

### COMMITTEE ON CREDENTIALS

Senator Iverson moved that a committee of five be appointed as a committee on credentials.

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

### RECESS

On motion of Senator Iverson, the Senate recessed at 10:34 a.m. until the completion of a meeting of the committee on credentials.

### RECONVENED

The Senate reconvened at 10:38 a.m., President Kramer presiding.

### REPORT OF THE COMMITTEE ON CREDENTIALS

MADAM PRESIDENT: We, your committee on credentials, respectfully report that we find the persons named in the attached copy of the certification of the Secretary of

the State duly elected to and entitled to a seat in the Senate for the 2001 Session of the Seventy-ninth General Assembly.

JOANN JOHNSON, Chair  
RICHARD DRAKE  
JOHNIE HAMMOND  
STEVEN D. HANSEN  
KITTY REHBERG

CERTIFICATION  
STATE OF IOWA  
Office of  
THE SECRETARY OF STATE

To the Honorable Secretary of the Senate:

I, CHESTER J. CULVER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 7, 2000, each of the following named persons was duly elected to the office of state Senator for the term of four years beginning on the second day of January, 2001:

DISTRICTS

Second .....	John Redwine
Fourth .....	John P. Kibbie
Sixth .....	Steve King
Eighth.....	E. Thurman Gaskill
Tenth.....	Merlin E. Bartz
Twelfth.....	Donald B. Redfern
Fourteenth .....	Kitty Rehberg
Sixteenth.....	Mark Ziemann
Eighteenth.....	Mike Connolly
Twentieth.....	Thomas L. Fiegen
Twenty-Second.....	Patrick J. Deluhery
Twenty-Fourth.....	Richard F. Drake
Twenty-Sixth.....	Mary Lundby
Twenty-Eighth.....	Andy McKean
Thirtieth.....	Neal Schuerer
Thirty-Second.....	Larry McKibben
Thirty-Fourth.....	Matt McCoy
Thirty-Sixth.....	Jack Holveck
Thirty-Eighth.....	O. Gene Maddox
Fortieth .....	Jerry Behn
Forty-Second.....	Michael E. Gronstal
Forty-Fourth .....	Jeff Angelo
Forty-Sixth.....	Paul McKinley
Forty-Eighth .....	Sandra H. Greiner
Fiftieth .....	Gene Fraise

I FURTHER CERTIFY that the State Canvassing Board has declared that at the General Election held on November 3, 1998, each of the following named persons was

duly elected to the office of State Senator for the term of four years beginning on the second day of January, 1999:

DISTRICTS

First.....	Steven D. Hansen
Third.....	Kenneth Veenstra
Fifth.....	Mary Lou Freeman
Seventh.....	Mike Sexton
Ninth.....	Stewart Iverson, Jr.
Eleventh.....	John W. Jensen
Thirteenth.....	Patricia Harper
Fifteenth.....	Betty Soukup
Seventeenth.....	Tom Flynn
Nineteenth.....	Sheldon Rittmer
Twenty-First.....	Maggie Tinsman
Twenty-Third.....	Joe Bolkom
Twenty-Fifth.....	Robert E. Dvorsky
Twenty-Seventh.....	Wally E. Horn
Twenty-Ninth.....	Dennis H. Black
Thirty-First.....	Johnie Hammond
Thirty-Third.....	Jeff Lamberti
Thirty-Fifth.....	Dick L. Dearden
Thirty-Seventh.....	Mary E. Kramer
Thirty-Ninth.....	JoAnn Johnson
Forty-First.....	Nancy Boettger
Forty-Third.....	Derryl McLaren
Forty-Fifth.....	Bill Fink
Forty-Seventh.....	David P. Miller
Forty-Ninth.....	Mark Shearer

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse in Des Moines this 2nd day of January, 2001.

(SEAL)

CHESTER J. CULVER  
Secretary of State

I hereby acknowledge receipt of the original copy of this document on this second day of January, 2001.

MICHAEL E. MARSHALL  
Secretary of the Senate

On motion of Senator Johnson, the report was adopted by a voice vote, and the duly elected Senators appeared before the bar of the Senate, were duly sworn, and subscribed their names to the oath of office.

### ELECTION OF PRESIDENT

Senator Iverson placed in nomination the name of Senator Mary E. Kramer of Polk County as a candidate for the office of President of the Senate for the Seventy-ninth General Assembly.

There being no further nominations, the Chair put the question to the Senate, and Senator Kramer was unanimously elected by a voice vote.

Senator Kramer was administered the oath of office by Chief Justice Louis A. Lavorato of the Iowa Supreme Court.

### ELECTION OF PRESIDENT PRO TEMPORE

Senator Iverson placed in nomination the name of Senator McKean of Jones County as a candidate for the office of President Pro Tempore for the Senate for the Seventy-ninth General Assembly.

There being no further nominations, the Chair put the question to the Senate, and Senator McKean was unanimously elected by a voice vote.

The Chair announced that Senator McKean had been elected President Pro Tempore of the Seventy-ninth General Assembly.

The Chair requested that Senators Behn, Lundby, and Redfern escort Senator McKean to the rostrum.

Senator McKean appeared, took the oath of office, and was congratulated and presented to the Senate by President Kramer.

Senator McKean addressed the Senate with brief remarks and thanked the Senate for the honor of serving as President Pro Tempore.

### COMMITTEE FROM THE HOUSE

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

## COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed by a voice vote, and the Chair appointed as such committee Senators Boettger, Chair; Fink, Gaskill, Redwine, and Soukup.

## COMMITTEE TO NOTIFY THE HOUSE

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

The motion prevailed by a voice vote, and the Chair appointed as such committee Senators Lamberti, Chair; Bolkcom, Dvorsky, King, and McKibben.

## ASSIGNMENT OF SEATS IN THE PRESS GALLERY

Senator Iverson moved that the Secretary of the Senate be authorized to assign seats to the representatives of the news media and that appropriate badges be provided for their use.

The motion prevailed by a voice vote, and the Secretary assigned the following:

### Seat No.

- 51 THE DES MOINES REGISTER: Jonathan Roos, Perry Beaman Lynn Okamoto, Jennifer Dukes Lee, Tony Leys
- 52 THE ASSOCIATED PRESS: Mike Glover, Ken Thomas, Susan Stocum, Kimberly Durnan, Dave Pitt
- 53 WHO-AM RADIO: Mike McGinnis, Rachel Conradt, Pat Curtis, Sue Danielson
- 54 RADIO IOWA NEWS NETWORK: O. Kay Henderson, Darwin Danielson, Matt Kelley, Todd Kimm
- 55 SIOUX CITY JOURNAL: Kate Thompson
- 56 IOWA LEGISLATIVE NEWS SERVICE: Tom Hunt, Jack Hunt, John Kurr, Kathi Marts-Foster, Barbara Hunt
- 57 WOI-AM: Joyce Russell
- 58 THE CEDAR RAPIDS GAZETTE: Rod Boshart, James Lynch, Todd Ruger
- 59 BURLINGTON HAWKEYE: Dennis J. Carroll

- 60 LEE ENTERPRISES DM BUREAU: Kathie Obradovich, Todd Dorman  
61 DUBUQUE TELEGRAPH HERALD: Mary Rae Bragg  
62 WATERLOO CEDAR FALLS COURIER: Madhusmita Bora  
63 KUNI RADIO: Jeneane Beck, Greg Shanley  
64 KCCI-TV: Steve Oswalt, Todd Magel, Geoff Greenwood, Sheila Brummer,  
Eric Hanson, Cortney Kintzer, Glen Bierman, Donna Smith,  
Jesse Landolt, Sean Wilson

#### GENERAL ASSIGNMENT

AMES DAILY TRIBUNE: Liz Allen, Ronna Lawless, Richard Lewis, Rebecca Anderson  
THE CASINO & PARI-MUTUEL JOURNAL INC.: Tom Bach  
DES MOINES RADIO GROUP: Polly Carver Kimm  
KASI RADIO: Trent Rice  
KFXB: John Blume, John Molseed  
KIMT-TV: Kristin Erickson, Jaime Copley, Katrina Pederson, Evelyn Wilkerson, Amy  
Fleming  
KMEG TV: Leslie Rupiper, Ali Dramov, Dave Finger  
KWWL TELEVISION: Tami Wiencek, Joe Surma, Ron Steele, Bobbi Earles  
OMAHA WORLD HERALD: Chris Clayton  
KOXD CHANNEL 2 - VIEWS FROM THE BLUFFS: Daphne Cook, Mollie Harter,  
Brad Evert  
WHO-TV: Emily Schmidt, Brooke Bouman, Laurie Groves, Cal Woods, Melanie Posey,  
Patrick Bell, Loren Halifax, Patrick Dix, Bobbi Silvernail  
WOI-TV: Jay Villwock, Don Schmith, Matt Raisch, Stacy Kennell, Tim Knol, Chris  
Mycoskie, Joy Benedict

#### RECESS

On motion of Senator Iverson, the Senate recessed at 10:56 a.m. until the completion of a meeting of the committee on Rules and Administration.

#### RECONVENED

The Senate reconvened at 10:59 a.m., President Kramer presiding.

#### APPOINTMENT OF PERMANENT OFFICERS AND EMPLOYEES

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

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following individuals as permanent Officers and Employees of the Senate for the 2001 Session of the Seventy-ninth General Assembly:

Secretary of the Senate..... Michael E. Marshall

Administrative

Confidential Secretary to the Secretary II ..... Lori Bristol  
Administrative Secretary to the Secretary..... LuAnn Randleman  
Sr. Finance Officer ..... Linda Laurenzo  
Finance Officer I ..... Lois Brownell

Indexing

Indexer II ..... Kathy Olah  
Indexer II/Records and Supply ..... Kathleen Curoe

Journal

Sr. Editor..... K'Ann Brandt  
Editor I..... Janet Hawkins  
Assistant Editor ..... Megan Thompson

Legal Counsel

Assistant Secretary of the Senate..... Cynthia A. Clingan  
Assistant to the Legal Counsel..... Eric Lee

President of the Senate's Office

Sr. Administrative Assistant to Leader..... Kaye Lozier  
Sr. Administrative Assistant to Leader..... Becky Beach

Majority Caucus

Sr. Administrative Assistant to Leader..... Tom Cope  
Caucus Staff Director..... Patricia Ward  
Confidential Secretary to Leader..... Beverly Walsmith  
Executive Secretary to Leader..... Jennifer Asa  
Sr. Legislative Research Analyst..... Carolann Jensen  
Sr. Legislative Research Analyst..... Pamela Dugdale  
Legislative Research Analyst ..... Jim Daley  
Legislative Research Analyst ..... Angela Dorsey  
Legislative Research Analyst ..... Ann Dougherty  
Legislative Research Analyst ..... Jim Friedrich  
Legislative Research Analyst ..... Stacey Johnson  
Legislative Research Analyst ..... Andy Warren  
Research Assistant..... Anissa Cowley  
Secretary ..... Janelle Mummy

Minority Caucus

Administrative Assistant to Leader III..... Jo Ann Hanover  
Administrative Assistant. to Leader II..... Melissa Watson  
Sr. Caucus Staff Director..... Debbie O'Leary  
Sr. Legislative Research Analyst..... Steve Conway

Sr. Legislative Research Analyst.....	Theresa Kehoe
Legislative Research Analyst I.....	James Fitzgerald
Legislative Research Analyst I.....	Julie Simon
Legislative Research Analyst.....	Jeff Lake
Legislative Research Analyst.....	Rusty Martin
Legislative Research Analyst.....	Kerry Wright
Secretary.....	Jace Mikels

Sergeant-at-Arms

Sergeant-at-Arms.....	Bill Krieg
Assistant Sergeant-at-Arms.....	Tom Sheldahl
Doorkeeper.....	Arnold Boyum
Doorkeeper.....	Svend A. Christensen
Doorkeeper.....	James Douglas
Doorkeeper.....	Robert Langbehn
Doorkeeper.....	Frank Loeffel
Doorkeeper.....	Kermit Tannatt
Doorkeeper.....	Paul Underhill

Services

Bill Clerk.....	Jay Mosher
Switchboard Operator.....	Kimberly Russell
Switchboard Operator.....	Jacki Souer
Postmaster.....	Eleanor Hesseling

STEWART IVERSON, JR., Chair

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

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

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted, and the committee was discharged.

## APPOINTMENT OF SENATE SECRETARIES

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

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 2, your committee on Rules and Administration begs leave to submit the names of the following individuals as secretaries to Senators for the 2001 Session of the Seventy-ninth General Assembly:

ASPENGREN, MARY LOU .....	Bartz, Merlin E.
BAUMGARTEN, CLAUDIA .....	Redfern, Donald B.
BEATTIE, STACY .....	Rehberg, Kitty
BETSINGER, SUSAN M. ....	Freeman, Mary Lou
BLACK, STEVEN .....	Black, Dennis H.
BUSHORE, NICHOLE .....	Shearer, Mark
COWDEN, SUSAN .....	Drake, Richard
COX, SANDRA .....	Fiegen, Thomas L.
DAVIS, VICKI .....	Zieman, Mark
DIERENFELD, JUDY .....	Lundby, Mary A.
DREIBELBIS, JENNIFER .....	Bolkcom, Joe
ELMITT, ALYCE .....	Lamberti, Jeff
FRAISE, FAYE .....	Fraise, Gene
GASKILL, GERRY .....	Gaskill, E. Thurman
GERACHSHENKO, SVETA .....	Miller, David
GOODHUE, STEPHANY .....	Fink, William "Bill"
GOUDY, JEAN .....	Hammond, Johnie
HARRINGTON, TERA .....	Deluhery, Patrick J.
HARTWIG, KENT .....	McKean, Andrew J.
HAUGE, MADONNA .....	Flynn, Tom
HOLMES, LINDA .....	Greiner, Sandra H.
HUHN, MARCE .....	Behn, Jerry
ILLES, JOHN .....	Schuerer, Neal
IVERSON, VICKI .....	Boettger, Nancy J.
JENSEN, MYRTLE .....	Jensen, John W.
JESINA, LEANN .....	McKibben, Larry
JOHNSON, JENNIFER .....	Angelo, Jeff
KIBBIE, KAY .....	Kibbie, John P. (Jack)
KIERNAN, JOHN .....	McCoy, Matt
KLISARES, ROSALEE .....	Horn, Wally E.
LARSON, JOHN .....	Dvorsky, Robert E.
MARTENS, MARLENE .....	Maddox, Gene
MURRAY, JO .....	Johnson, Joann
NELSON, JEAN .....	Harper, Patricia
OSWALD, JOEL .....	King, Steve
PFEFFER, LAURA .....	Tinsman, Maggie
REDWINE, BARBARA .....	Redwine, John
RITTMER, ELAINE .....	Rittmer, Sheldon
SOUKUP, SYBIL .....	Soukup, Betty A.
SOURBEER, VIRGINIA .....	Sexton, Mike
THOMPSON, BARBARA .....	Holveck, Jack

ULLEM, MARTHA .....	McKinley, Paul
VEENSTRA, JAN .....	Veenstra, Ken
WALSMITH, BEVERLY .....	Iverson, Stewart Jr.
WAYMAN, NANCY .....	Hansen, Steven D.
WENGERT, JOANNE .....	Dearden, Dick
WEST, JO ANN .....	Connolly, Michael W.
WISE, BETTY .....	McLaren, Derryl

STEWART IVERSON, JR., Chair

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

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

### APPOINTMENT OF PAGES

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

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following persons as Pages for the Senate for the 2001 Session of the Seventy-ninth General Assembly:

- Suzie Ahn, Ames
- Eric Bagley, Mason City
- Kendra Brown, Iowa Falls
- Brian Burns, Des Moines
- Lauren Clayton, Brooklyn
- Kari Dummermuth, Elgin
- Christina Engel, Waverly
- Tim Gulbranson, Stuart
- Girija Mahajan, Urbandale
- Melissa McCormick, Indianola
- Sean McGuire, Colo
- Brendan Moe, Joice
- Alison Monaghan, Guthrie Center
- Lacee Oliver, Sac City
- Justin Schroeder, Coon Rapids
- Alex Strittmatter, Monticello
- Haley Swedlund, Ankeny
- Esther VanMersbergen, Cedar

STEWART IVERSON, JR., Chair

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

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

#### REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

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

The report was accepted, and the committee was discharged.

#### COMMITTEE ON MILEAGE

Senator Iverson moved that a committee of four be appointed as the committee on mileage.

The motion prevailed by a voice vote, and the Chair appointed as such committee Senators Freeman, Chair; Black, Dearden, and McLaren.

#### COMMITTEE ON CHAPLAINS

Senator Iverson moved that Senator Kramer be appointed as a committee of one to work with a Representative of the House in securing chaplains for the Senate during the Seventy-ninth General Assembly, which motion prevailed by a voice vote.

#### SELECTION OF SEATS

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

Senator Iverson moved that the holdover and re-elected Senators who participated in seat selection in 1999 be granted the privilege of selecting new seats in order of seniority from unassigned seats; that the re-elected Senators first elected during the 1999 session be granted the privilege of selecting their seats from the unassigned

seats according to their seniority; that former members of the House of Representatives be granted the privilege of selecting their seats from the unassigned seats according to seniority; that newly-elected senators be granted the privilege of selecting their seats from the unassigned seats with order of selection being established by lot; that first, the Majority Floor Leader and the Minority Floor Leader be permitted to select their seats; and that the Minority Leader be allowed to select a seat for Senator Fraise.

The motion prevailed by a voice vote.

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

<u>NAME</u>	<u>SEAT NO.</u>
Angelo of Union.....	32
Bartz of Worth.....	10
Behn of Boone .....	22
Black of Jasper.....	31
Boettger of Shelby.....	14
Bolkcom of Johnson .....	25
Connolly of Dubuque.....	47
Dearden of Polk.....	21
Deluhery of Scott.....	45
Drake of Muscatine.....	40
Dvorsky of Johnson.....	29
Fiegen of Cedar .....	13
Fink of Warren.....	33
Flynn of Dubuque .....	9
Fraise of Lee.....	39
Freeman of Buena Vista .....	8
Gaskill of Hancock .....	1
Greiner of Washington.....	48
Gronstal of Pottawattamie.....	37
Hammond of Story .....	27
Hansen of Woodbury.....	35
Harper of Black Hawk .....	5
Holveck of Polk.....	23
Horn of Linn.....	43
Iverson of Wright .....	38
Jensen of Bremer .....	44
Johnson of Dallas.....	16
Kibbie of Palo Alto .....	41
King of Sac .....	24
Kramer of Polk.....	36
Lamberti of Polk .....	12
Lundby of Linn.....	6
Maddox of Polk.....	34

McCoy of Polk.....	15
McKean of Jones.....	42
McKibben of Marshall.....	19
McKinley of Lucas.....	26
McLaren of Fremont.....	49
Miller of Jefferson.....	17
Redfern of Black Hawk.....	30
Redwine of Plymouth.....	2
Rehberg of Buchanan.....	20
Rittmer of Clinton.....	46
Schuerer of Iowa.....	4
Sexton of Calhoun.....	3
Shearer of Washington.....	11
Soukup of Chickasaw.....	7
Tinsman of Scott.....	50
Veenstra of Sioux.....	28
Zieman of Allamakee.....	18

### SPECIAL GUEST

Senator Iverson presented the Honorable Leonard L. Boswell, U.S. Representative from Iowa's Third District and former member of the Iowa Senate.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 1**, by Kramer, McKibben, Schuerer, Lundby, Veenstra, McKinley, Drake, Redwine, King, Freeman, Rehberg, Johnson, Boettger, Zieman, and Iverson, a concurrent resolution supporting the admission of the Baltic States of Estonia, Latvia, and Lithuania to the North Atlantic Treaty Organization.

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

### INTRODUCTION OF BILLS

**Senate File 1**, by Schuerer, a bill for an act creating a super ethanol-powered motor vehicle purchase tax credit for individual taxpayers, and providing an applicability date.

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

**Senate File 2**, by Miller, a bill for an act increasing the child and dependent care credit under the state individual income tax and including a retroactive applicability date provision.

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

**Senate File 3**, by Miller, a bill for an act relating to the deduction of interest paid on education loans under the individual income tax and including an effective and retroactive applicability date provision.

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

**Senate File 4**, by Miller, a bill for an act relating to a long-term care insurance tax credit under the individual income tax and including a retroactive applicability date provision.

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

**Senate File 5**, by Schuerer, a bill for an act providing incentives for the installation, replacement, or conversion of motor vehicle fuel storage tanks used to store and dispense super ethanol and providing funding.

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

**Senate File 6**, by Hammond and Holveck, a bill for an act prohibiting discrimination based upon a person's sexual orientation under the Iowa civil rights Act.

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

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:39 a.m. until 9:00 a.m. Tuesday, January 9, 2001.

## APPENDIX

### STANDING COMMITTEES APPOINTED

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the Seventy-ninth General Assembly:

\*Vice Chair

\*\*Ranking Member

#### AGRICULTURE—15 Members

McLaren, Chair	Bartz	Greiner	Soukup
Behn*	Black	Kibbie	Veenstra
Fraise**	Fiegen	Sexton	Zieman
Angelo	Gaskill	Shearer	

#### APPROPRIATIONS—25 Members

Lamberti, Chair	Connolly	Horn	Rehberg
Kramer*	Deluhery	Jensen	Schuerer
Flynn**	Dvorsky	King	Soukup
Angelo	Fiegen	Lundby	Tinsman
Behn	Gaskill	McKibben	Veenstra
Black	Hammond	Redfern	Zieman
Bolkcom			

#### BUSINESS AND LABOR RELATIONS—11 Members

Freeman, Chair	Behn	Horn	McKibben
Greiner*	Fraise	King	Schuerer
Dearden**	Hammond	Lundby	

#### COMMERCE—15 Members

Johnson, Chair	Flynn	Jensen	McCoy
Schuerer*	Freeman	King	Redfern
Deluhery**	Gronstal	Lundby	Redwine
Bolkcom	Hansen	Maddox	

#### EDUCATION—15 Members

Boettger, Chair	Dvorsky	McKinley	Soukup
Rehberg*	Fink	Redfern	Tinsman
Connolly**	Harper	Redwine	Veenstra
Angelo	Kramer	Shearer	

ETHICS—6 Members

Drake, Chair McKean*	Kibbie** Connolly	Dearden	Rittmer
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HUMAN RESOURCES—13 Members

Redwine, Chair Tinsman* Hammond** Bartz	Boettger Behn Dvorsky	Harper Holveck Miller	Schuerer Shearer Veenstra
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JUDICIARY—15 Members

Maddox, Chair Redfern* Holveck** Angelo	Boettger Fiegen Fraise Hammond	Hansen Horn King Lamberti	Miller McKean Tinsman
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LOCAL GOVERNMENT—13 Members

Miller, Chair Angelo* Hansen** Bartz	Fraise Gaskill Hammond	Horn Johnson McCoy	McKibben Schuerer Zieman
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NATURAL RESOURCES AND ENVIRONMENT—15 Members

Sexton, Chair Bartz* Fink** Black	Bolkcom Dearden Deluhery Drake	Freeman Johnson Kibbie Lundby	McLaren Miller Rittmer
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RULES AND ADMINISTRATION—11 Members

Iverson, Chair Kramer* Gronstal**	Boettger Dvorsky Fink	Gaskill Harper Johnson	McKean Rittmer
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SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM—13 Members

Rehberg, Chair Zieman* Shearer** Behn	Dvorsky Fiegen Flynn	Gaskill Greiner Holveck	Lamberti McKinley Veenstra
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STATE GOVERNMENT—15 Members

King, Chair Lamberti* Kibbie** Bolkcom	Connolly Dearden Deluhery Drake	Fink Jensen Maddox McKean	McLaren Rittmer Sexton
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TRANSPORTATION—13 Members

Rittmer, Chair	Fink	Jensen	McLaren
Drake*	Fraise	Kibbie	Sexton
McCoy**	Freeman	McKinley	Zieman
Dearden			

WAYS AND MEANS—15 Members

McKibben, Chair	Connolly	Greiner	Miller
McKinley*	Deluhery	Holveck	Redwine
Harper**	Drake	Lamberti	Rehberg
Bolkcom	Flynn	Maddox	

## SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION

Schuerer, Chair	Flynn**	Zieman
Bartz*	Hansen	

AGRICULTURE AND NATURAL RESOURCES

Gaskill, Chair	Black**	Greiner
Sexton*	Fink	

ECONOMIC DEVELOPMENT

Behn, Chair	Fiegen**	McKinley
Miller*	Holveck	

EDUCATION

Redfern, Chair	Horn**	McLaren
Rehberg*	Kibbie	

HEALTH AND HUMAN RIGHTS

Tinsman, Chair	Bolkcom**	Rittmer
Johnson*	Dearden	

HUMAN SERVICES

Veenstra, Chair	Hammond**	Redwine
Boettger*	Harper	

JUSTICE SYSTEM

Angelo, Chair	Dvorsky**	Maddox
McKean*	Fraise	

OVERSIGHT AND COMMUNICATIONS

Lundy, Chair	Deluhery**	Shearer
King*	Freeman	

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Jensen, Chair	Soukup**	McKibben
Lamberti*	Connolly	

## SENATORS AND THEIR RESPECTIVE COMMITTEES

ANGELO, Jeff	Agriculture Appropriations Education Judiciary Local Government, Vice Chair Justice System Appropriations Subcommittee, Chair
BARTZ, Merlin E.	Agriculture Human Resources Local Government Natural Resources and Environment, Vice Chair Administration and Regulation Appropriations Subcommittee, Vice Chair
BEHN, Jerry	Agriculture, Vice Chair Appropriations Business and Labor Relations Human Resources Small Business, Economic Development, and Tourism Economic Development Appropriations Subcommittee, Chair
BLACK, Dennis H.	Agriculture Appropriations Natural Resources and Environment Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member
BOETTGER, Nancy J.	Education, Chair Human Resources Judiciary Rules and Administration Human Services Appropriations Subcommittee, Vice Chair

BOLKCOM, Joe	Appropriations Commerce Natural Resources and Environment State Government Ways and Means Health and Human Rights Appropriations Subcommittee, Ranking Member
CONNOLLY, Michael W.	Appropriations Education, Ranking Member Ethics State Government Ways and Means Transportation, Infrastructure, and Capitals Appropriations Subcommittee
DEARDEN, Dick	Business and Labor Relations, Ranking Member Ethics Natural Resources and Environment State Government Transportation Health and Human Rights Appropriations Subcommittee
DELUHERY, Patrick J.	Appropriations Commerce, Ranking Member Natural Resources and Environment State Government Ways and Means Oversight and Communications Appropriations Subcommittee, Ranking Member
DRAKE, Richard	Ethics, Chair Natural Resources and Environment State Government Transportation, Vice Chair Ways and Means
DVORSKY, Robert E.	Appropriations Education Human Resources Rules and Administration Small Business, Economic Development, and Tourism Justice System Appropriations Subcommittee, Ranking Member
FIEGEN, Thomas L.	Agriculture Appropriations Judiciary

	Small Business, Economic Development, and Tourism Economic Development Appropriations Subcommittee, Ranking Member
FINK, William "Bill"	Education Natural Resources and Environment, Ranking Member Rules and Administration State Government Transportation Agriculture and Natural Resources Appropriations Subcommittee
FLYNN, Tom	Appropriations, Ranking Member Commerce Small Business, Economic Development, and Tourism Ways and Means Administration and Regulation Appropriations Subcommittee, Ranking Member
FRAISE, Gene	Agriculture, Ranking Member Business and Labor Relations Judiciary Local Government Transportation Justice System Appropriations Subcommittee
FREEMAN, Mary Lou	Business and Labor Relations, Chair Commerce Natural Resources and Environment Transportation Oversight and Communications Appropriations Subcommittee
GASKILL, E. Thurman	Agriculture Appropriations Local Government Rules and Administration Small Business, Economic Development, and Tourism Agriculture and Natural Resources Appropriations Subcommittee, Chair
GREINER, Sandra H.	Agriculture Business and Labor Relations, Vice Chair Small Business, Economic Development, and Tourism Ways and Means

	Agriculture and Natural Resources Appropriations Subcommittee
GRONSTAL, Michael E.	Commerce Rules and Administration, Ranking Member
HAMMOND, Johnie	Appropriations Business and Labor Relations Human Resources, Ranking Member Judiciary Local Government Human Services Appropriations Subcommittee, Ranking Member
HANSEN, Steven D.	Commerce Judiciary Local Government, Ranking Member Administration and Regulation Appropriations Subcommittee
HARPER, Patricia	Education Human Resources Rules and Administration Ways and Means, Ranking Member Human Services Appropriations Subcommittee
HOLVECK, Jack	Human Resources Judiciary, Ranking Member Small Business, Economic Development, and Tourism Ways and Means Economic Development Appropriations Subcommittee
HORN, Wally E.	Appropriations Business and Labor Relations Judiciary Local Government Education Appropriations Subcommittee, Ranking Member
IVERSON, Stewart, Jr.	Rules and Administration, Chair
JENSEN, John W.	Appropriations Commerce State Government Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Chair

JOHNSON, JoAnn	Commerce, Chair Local Government Natural Resources and Environment Rules and Administration Health and Human Rights Appropriations Subcommittee, Vice Chair
KIBBIE, John P. (Jack)	Agriculture Ethics, Ranking Member Natural Resources and Environment State Government, Ranking Member Transportation Education Appropriations Subcommittee
KING, Steve	Appropriations Business and Labor Relations Commerce Judiciary State Government, Chair Oversight and Communications Appropriations Subcommittee, Vice Chair
KRAMER, Mary E.	Appropriations, Vice Chair Education Rules and Administration, Vice Chair
LAMBERTI, Jeff	Appropriations, Chair Judiciary Small Business, Economic Development, and Tourism State Government, Vice Chair Ways and Means Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Vice Chair
LUNDBY, Mary A.	Appropriations Business and Labor Relations Commerce Natural Resources and Environment Oversight and Communications Appropriations Subcommittee, Chair
MADDOX, Gene	Commerce Judiciary, Chair State Government Ways and Means Justice System Appropriations Subcommittee

McCOY, Matt	Commerce Local Government Transportation, Ranking Member
McKEAN, Andrew J.	Ethics, Vice Chair Judiciary Rules and Administration State Government Justice System Appropriations Subcommittee, Vice Chair
McKIBBEN, Larry	Appropriations Business and Labor Relations Local Government Ways and Means, Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee
McKINLEY, Paul	Education Small Business, Economic Development, and Tourism Transportation Ways and Means, Vice Chair Economic Development Appropriations Subcommittee
McLAREN, Derryl	Agriculture, Chair Natural Resources and Environment State Government Transportation Education Appropriations Subcommittee
MILLER, David	Human Resources Judiciary Local Government, Chair Natural Resources and Environment Ways and Means Economic Development Appropriations Subcommittee, Vice Chair
REDFERN, Donald B.	Appropriations Commerce Education Judiciary, Vice Chair Education Appropriations Subcommittee, Chair
REDWINE, John	Commerce Education Human Resources, Chair Ways and Means

	Human Services Appropriations Subcommittee
REHBERG, Kitty	Appropriations Education, Vice Chair Small Business, Economic Development, and Tourism, Chair Ways and Means Education Appropriations Subcommittee, Vice Chair
RITTMER, Sheldon	Ethics Natural Resources and Environment Rules and Administration State Government Transportation, Chair Health and Human Rights Appropriations Subcommittee
SCHUERER, Neal	Appropriations Business and Labor Relations Commerce, Vice Chair Human Resources Local Government Administration and Regulation Appropriations Subcommittee, Chair
SEXTON, Mike	Agriculture Natural Resources and Environment, Chair State Government Transportation Agriculture and Natural Resources Appropriations Subcommittee, Vice Chair
SHEARER, Mark	Agriculture Education Human Resources Small Business, Economic Development, and Tourism, Ranking Member Oversight and Communications Appropriations Subcommittee
SOUKUP, Betty A.	Agriculture Appropriations Education Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Ranking Member
TINSMAN, Maggie	Appropriations Education Human Resources, Vice Chair

Judiciary  
Health and Human Rights Appropriations  
Subcommittee, Chair

VEENSTRA, Ken

Agriculture  
Appropriations  
Education  
Human Resources  
Small Business, Economic Development and  
Tourism  
Human Services Appropriations  
Subcommittee, Chair

ZIEMAN, Mark

Agriculture  
Appropriations  
Local Government  
Small Business, Economic Development, and  
Tourism, Vice Chair  
Transportation  
Administration and Regulation  
Appropriations Subcommittee

## COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau during the 2000 interim:

May 3, 2000

### DEPARTMENT OF NATURAL RESOURCES

On-line reports—Water Quality in Iowa during 1996 and 1997 (including Assessment Results for Rivers and Streams and Assessment Results for Lakes and Wetlands), as required by the federal Clean Water Act, Section 305(b).

May 11, 2000

### DEPARTMENT OF PUBLIC SAFETY

1998 Rate Comparisons (an excerpt from the FBI's national publication entitled *Crime in the United States: 1998*).

May 12, 2000

### DEPARTMENT OF PERSONNEL

100-Day Plan, pursuant to Iowa Code chapter 19A.8(7).

May 15, 2000

DEPARTMENT OF CULTURAL AFFAIRS

FY 1999 Annual Report for the Iowa Department of Cultural Affairs, pursuant to Iowa Code chapters 7A.3 and 303.1.

May 26, 2000

DEPARTMENT OF TRANSPORTATION

2000 Airport Sufficiency Summary Report prepared by the Office of Systems Planning, pursuant by Iowa Code section 328.12(11).

June 30, 2000

DEPARTMENT OF EDUCATION

Implementation of the Community College Management Information System Progress Report for the Legislative Fiscal Bureau and the Iowa Department of Management.

July 14, 2000

DEPARTMENT OF NATURAL RESOURCES

Energy Fund Disbursement Council Report to the Governor and General Assembly.

July 18, 2000

BOARD OF REGENTS

The Strategic Plan of the Board of Regents, 1998–2003.

July 21, 2000

DEPARTMENT OF HUMAN SERVICES

FY 1999 Annual Report of the Family Development and Self-Sufficiency (FaDSS) Grant Program.

July 31, 2000

LEGISLATIVE SERVICE BUREAU

School Finance Working Committee Final Report, May 2000.

August 8, 2000

DEPARTMENT OF EDUCATION

Phase III Summary Report for the 1998–1999 School Year, pursuant to Iowa Code chapter 294A.

August 10, 2000

DEPARTMENT OF TRANSPORTATION

Notification of the publication of the annual sufficiency rating report showing the relative conditions of primary roads, pursuant to Iowa Code section 307A.2(12).

August 25, 2000

SUPREME COURT

Notification of appointments—appointees to represent the Judicial Branch, pursuant to 2000 Acts, Senate File 2395, sections 5(1)(a)(8) and 10(3)(a)(2)(b).

August 28, 2000

DEPARTMENT OF NATURAL RESOURCES

State of Iowa 1999 Public Drinking Water Program Annual Compliance Report.

August 30, 2000

DEPARTMENT OF TRANSPORTATION

Committee on Air Service Report to the General Assembly, pursuant to 2000 Acts, House File 2458, section 2(5).

August 31, 2000

DEPARTMENT OF HUMAN SERVICES

State County Management Committee Report to the Governor and the Legislature, pursuant to Iowa Code sections 331.439(3) and 331.424A(1).

September 18, 2000

BOARD OF REGENTS

Annual Report on College Bound and IMAGES Program, pursuant to Iowa Code sections 262.92 and 269.93.

September 29, 2000

DEPARTMENT OF ECONOMIC DEVELOPMENT and IOWA UTILITIES BOARD

Assessing High-Speed Internet Access in the State of Iowa report, pursuant to 2000 Acts, Senate File 2433.

October 2, 2000

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Office of Renewable Fuels and Co-Products Sixth Annual Report, October 1, 2000.

October 6, 2000

DEPARTMENT OF HUMAN RIGHTS

Division of Persons with Disabilities Annual Report for July 1, 1999–June 30, 2000.

October 9, 2000

IOWA UTILITIES BOARD

Replacement Tax Study Committee Report, pursuant to Iowa Code section 476.6(23).

October 13, 2000

DEPARTMENT OF GENERAL SERVICES

Space Utilization and Building Study, pursuant to 2000 Acts, Senate File 2453.

October 26, 2000

DEPARTMENT OF HUMAN SERVICES

Personal Assistance and Comprehensive Family Support Services Council Annual Recommendations, pursuant to Iowa Administrative Code, Section 225C.48.

October 27, 2000

DEPARTMENT OF PUBLIC SAFETY

1999 Incident-Based Iowa Uniform Crime Report.

November 9, 2000

DEPARTMENT OF TRANSPORTATION

Midwest Regional Rail Passenger Initiative Status Report, pursuant to 2000 Acts, chapter 1168 (House File 2477), section 2(5).

November 14, 2000

INFORMATION TECHNOLOGY DEPARTMENT

Technology Audit Report for FY 1999, pursuant to Iowa Code section 18.185.

November 20, 2000

DEPARTMENT OF PUBLIC HEALTH

Tobacco Use Prevention and Control Quarterly Report for July–October 2000 and Iowa Youth Summit Final Report, pursuant to Iowa Code chapter 142A.4(12).

November 21, 2000

DEPARTMENT OF HUMAN SERVICES

Report on the effects of providing continuous eligibility for children under the medical assistance program, pursuant to 2000 Acts, House File 2555, section 1.3.

DEPARTMENT OF PERSONNEL

Final Report to the Governor's Task Force to Study Iowa Public Employees Retirement System Structure and Governance, submitted by Independent Fiduciary Services, Inc.—November 17, 2000.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Review of Maintenance Contract, pursuant to Iowa Code chapter 8D.3(3)(g).

IOWA UTILITIES BOARD

1999 Annual Report, pursuant to Iowa Code sections 7A.1, 7A.10, and 476.16.

November 30, 2000

BOARD OF REGENTS

Results of study conducted by the Board of Regents regarding communications with parents, pursuant to 2000 Acts, House File 2437, Section 2.

DEPARTMENT OF HUMAN SERVICES

Medicaid Dental Reimbursement Rates and Reimbursement Methodology, pursuant to 2000 Acts, House File 2555.

DEPARTMENT OF NATURAL RESOURCES

Report of the 2000 Resource Enhancement and Protection (REAP) Congress—July 15, 2000.

DEPARTMENT OF PUBLIC HEALTH

2000 Annual Report, pursuant to Iowa Code chapter 135.11.

DEPARTMENT OF TRANSPORTATION

FY 2000 information on the highway construction program expenditures, pursuant to Iowa Code section 307.12(14).

December 1, 2000

DEPARTMENT OF TRANSPORTATION

FY 2000 Recycled Content Plastic Bag and Soy Inks Report, pursuant to Iowa Code section 307.21.

December 4, 2000

DEPARTMENT OF EDUCATION

Regional high school academies grants report, pursuant to 2000 Acts, chapter 1223, section 3(16c).

Preliminary report regarding the Initial Statewide Strategic Plan for Iowa's System of Community Colleges, pursuant to 2000 Acts, chapter 167 (House File 2433), section 5.

DEPARTMENT OF PUBLIC HEALTH

Review of Enforcement Efforts concerning state licensing tobacco, consolidation of Code provisions, and mandating court appearances, pursuant to 2000 Acts, House File 2565.

December 5, 2000

CHILD AND FAMILY POLICY CENTER

Leadership Development Opportunities, Second Edition—A Guide for Iowa Youth 2000–2001, updated and distributed by the Iowa Youth Development State Collaboration Project.

DEPARTMENT OF HUMAN SERVICES

Reports to the General Assembly relative to the Senior Living Program and Trust Fund, pursuant to 2000 Acts, Senate File 2193.

December 7, 2000

IOWA VERTICAL INFRASTRUCTURE ADVISORY COMMITTEE

Notice of meeting and agenda, pursuant to Iowa Code section 21.4.

December 8, 2000

LEGISLATIVE SERVICE BUREAU

Personnel reports and proposed budgets for fiscal year beginning July 1, 2000, for the Legislative Fiscal Bureau, the Legislative Service Bureau, the Computer Support Bureau, and the Office of the Citizens' Aide/Ombudsman.

DEPARTMENT OF TRANSPORTATION

Response of Iowa Pavements to a Tracked Agricultural Vehicle Final Report, pursuant to 2000 Acts, chapter 1040, section 2.

December 14, 2000

CITIZENS' AIDE/OMBUDSMAN

Investigative Report 00-2 by the Department of Human Services.

December 15, 2000

DEPARTMENT OF EDUCATION

Report on AEA Voluntary Reorganization Concepts, pursuant to 2000 Acts, House File 2549.

DEPARTMENT OF HUMAN SERVICES

Communication regarding the reduction or elimination of assessment of client participation for children in PMICs, pursuant to 2000 Acts, Senate File 2435, section 16(2)(c)(3).

DEPARTMENT OF PUBLIC HEALTH

Needlestick Protection Study—Report to the Iowa General Assembly, pursuant to 2000 Iowa Acts, Senate File 2302, section 48.

Obstetrical and Gynecological Care in Iowa: A Report on Health Care Access to Iowa Legislature, pursuant to Iowa Code chapter 135.11(18A).

December 18, 2000

DEPARTMENT OF HUMAN SERVICES

Adult Decategorization Project—Interim Report to the Legislature, pursuant to 1999 Acts, House File 664.

Development of a Case Mix Reimbursement System for Nursing Facilities Participating in the Iowa Medicaid Program—A Report to the Iowa General Assembly, pursuant to 2000 Acts, Senate File 2193.

Reports relative to the Personal Assistance Services Pilot Project and Home and Community Based Services, pursuant to 2000 Acts, Senate File 2434, section 8(14).

December 19, 2000

DEPARTMENT OF CULTURAL AFFAIRS

Final report and communication pertaining to the 2000 One Gift campaign.

December 20, 2000

DEPARTMENT OF REVENUE AND FINANCE

Communication pertaining to the quarterly post-audits of state agencies and institutions and an attachment showing the range of noncompliant rates for FY 2000.

December 21, 2000

DEPARTMENT OF HUMAN SERVICES

2000 Annual Report, pursuant to Iowa Code section 2.17(21).

DEPARTMENT OF TRANSPORTATION

2001–2005 Transportation Improvement Program, pursuant to Iowa Code section 307A.2(12).

December 22, 2000

DEPARTMENT OF HUMAN SERVICES

Recommendations for future direct care staff wage increases, pursuant to 2000 Acts, House File 2555.

December 26, 2000

DEPARTMENT OF CORRECTIONS

Legislative Reports: Hard Labor Law Progress Report—2000; Pay for Stay Cumulative Report—FY 2000; Use of Inmate Labor on Capital Improvements; and Vocational Program Update as of December 2000, pursuant to 2000 Acts, House File 2552.

December 27, 2000

BOARD OF REGENTS

Annual Governance Report on Diversity Programs (Affirmative Action and Minority and Women Educators Enhancement Program), pursuant to Iowa Code sections 262.82 and 262.93.

IOWA CITIZEN FOSTER CARE REVIEW BOARD

Annual Report for FY 2000, pursuant to Iowa Code section 237.18.

December 28, 2000

OFFICE OF DRUG CONTROL POLICY

Iowa's Application to the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program FFY 2001.

December 29, 2000

AUDITOR OF STATE, DEPARTMENT OF ECONOMIC DEVELOPMENT,  
IOWA FINANCE AUTHORITY, AND TREASURER OF STATE

Joint report to the Legislature on private activity bond cap allocation, pursuant to 2000 Acts, House File 2373.

IOWA COMMUNICATIONS NETWORK

Five-Year Financial Plan (actual results as of and for the years ended June 30, 1999 and 2000, and budgets and forecasts as of and for the years ending June 30, 2001 through 2006), pursuant to Iowa Code chapter 8D, section 3(f).

January 3, 2001

DEPARTMENT OF PERSONNEL

Memorandum—report on Services Contracting Study Committee (submitted by Mollie Anderson, Director).

January 4, 2001

BOARD OF REGENTS

Annual Technology Transfer and Economic Development Reports from the University of Iowa, Iowa State University, and the University of Northern Iowa, pursuant to 2000 Acts, Senate File 2296.

DEPARTMENT OF PUBLIC HEALTH

Anatomical Gifts Annual Donation and Compliance Report for the Year 2000, pursuant to Iowa Code chapter 142C.17

Childhood Lead Poisoning Prevention Programming in Iowa—Report to the Governor and to the General Assembly January 2001, pursuant to 2000 Acts, Senate File 2429, section 12.

2000 Annual Report.

DEPARTMENT OF REVENUE AND FINANCE

Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2000, pursuant to Iowa Code section 421.31(5).

January 5, 2001

**DEPARTMENT OF CORRECTIONS**

Intermediate Criminal Sanctions Program Report, pursuant to 2000 Acts, House File 2552.

**DEPARTMENT OF JUSTICE**

Prosecutor Intern Program Annual Report for 2000, pursuant to Iowa Code, section 13.2(12).

January 8, 2001

**IOWA UTILITIES BOARD**

Customer Contribution Fund Annual Report for the Fiscal Year Ended June 30, 2000, pursuant to Iowa Code section 476.66(6).

**DEPARTMENT OF MANAGEMENT**

Report of a study concerning the possible implementation of a system to provide retirement benefits and death and survivor benefits to volunteer fire fighters and emergency medical service personnel, pursuant to 2000 Acts, Senate File 2411, section 118.

**AGENCY ICN REPORTS**

November 15, 2000

**IOWA CIVIL RIGHTS COMMISSION**

Iowa Communications Network (ICN) Usage for FY 2000, pursuant to Iowa Code section 8D.10.

December 14, 2000

**DEPARTMENT OF TRANSPORTATION**

Iowa Communications Network (ICN) Usage for FY 2000, pursuant to Iowa Code section 8D.10.

December 19, 2000

**IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION**

Iowa Communications Network (ICN) Usage for FY 2000, pursuant to Iowa Code section 8D.10.

December 28, 2000

DEPARTMENT OF REVENUE AND FINANCE

Iowa Communications Network (ICN) Usage for FY 2000, pursuant to Iowa Code section 8D.10.

January 4, 2001

DEPARTMENT OF PUBLIC HEALTH

Iowa Communications Network (ICN) Usage for FY 2000, pursuant to Iowa Code section 8D.10.

REPORT OF THE COMMITTEE ON  
RULES AND ADMINISTRATION

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 2, your committee on Rules and Administration submits the following names of officers and employees of the Senate for the Seventy-ninth General Assembly, 2001 Session, and their respective classifications, grades, and steps:

		<u>CLASS</u>	<u>GRADE</u>	<u>STEP</u>
Secretary of the Senate	Mike Marshall	P-FT	\$86,510 annual	
Sr. Assistant Secretary of the Senate	Cynthia A. Clingan	P-FT	41	5
Sr. Administrative Assistant to Leader	Tom Cope	P-FT	38	4
Sr. Administrative Assistant to President	Kaye Lozier	P-FT	38	3
Sr. Administrative Assistant to President	Becky Beach	P-FT	38	3
Administrative Assistant to Leader III	Jo Ann Hanover	P-FT	35	3
Administrative Assistant to Leader II	Melissa Watson	P-FT	32	3
Caucus Staff Director	Petricia Ward	P-FT	38	5
Sr. Legislative Research Analyst	Carolann Jensen	P-FT	38	6
Sr. Legislative Research Analyst	Pamela Dugdale	P-FT	38	4

1st Day

MONDAY, JANUARY 8, 2001

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Legislative Research Analyst	Stacey Johnson	P-FT	27	2
Legislative Research Analyst	Jim Daley	P-FT	27	1
Legislative Research Analyst	Ann Dougherty	P-FT	27	3
Legislative Research Analyst	Andy Warren	P-FT	27	2
Legislative Research Analyst	Angela Dorsey	P-FT	27	3
Legislative Research Analyst	Jim Friedrich	P-FT	27	3
Research Assistant	Anissa Cowley	P-FT	24	1
Secretary	Janelle Mummey	S-O	17	1
Sr. Caucus Staff Director	Debbie O'Leary	P-FT	41	6
Sr. Legislative Research Analyst	Theresa Kehoe	P-FT	38	6
Sr. Legislative Research Analyst	Steve T. Conway	P-FT	38	6
Legislative Research Analyst I	James Fitzgerald	P-FT	29	3
Legislative Research Analyst I	Julie Simon	P-FT	29	3
Legislative Research Analyst	Jeff Lake	P-FT	27	3
Legislative Research Analyst	Kerry Wright	P-FT	27	3
Legislative Research Analyst	Rusty Martin	P-FT	27	4
Secretary	Jace Mikels	S-O	17	1
Confidential Secretary to Leader	Beverly Walsmith	P-PT	27	2
Executive Secretary to Leader	Jennifer Asa	P-FT	24	2

Confidential Secretary to Secretary II	Lori Bristol	P-FT	32	5
Administrative Secretary to Secretary	LuAnn Randleman	S-O	21	3
Sr. Journal Editor	K'Ann Brandt	P-FT	30	1
Journal Editor I	Janet Hawkins	P-FT	22	2
Assistant Journal Editor	Megan Thompson	P-FT	19	1
Sr. Finance Officer	Linda Laurenzo	P-FT	31	6
Finance Officer I	Lois Brownell	P-FT	24	6
Assistant to Legal Counsel	Eric Lee	S-O	19	1
Indexer II	Kathy Olah	P-FT	25	4
Indexer II/Rec. and Supply	Kathleen Curoe	P-FT	25	4
Switchboard Operator	Jacki Souer	S-O	14	2
Switchboard Operator	Kimberly Russell	S-O	14	3
Legislative Secretary	Steven Black	S-O	16	1
Legislative Secretary	Nichole Bushore	S-O	16	1
Legislative Secretary	Sandra Cox	S-O	16	1
Legislative Secretary	Vicki Davis	S-O	16	6
Legislative Secretary	Jennifer Dreibelbis	S-O	16	1
Legislative Secretary	Faye Fraise	S-O	16	5
Legislative Secretary	Stephanie Goodhue	S-O	16	1
Legislative Secretary	Jean Goudy	S-O	18	6
Legislative Secretary	Tera Harrington	S-O	17	1
Legislative Secretary	Madonna Hauge	S-O	17	3
Legislative Secretary	Linda Holmes	S-O	16	1
Legislative Secretary	John Illes	S-O	17	1
Legislative Secretary	Kay Kibbie	S-O	18	4

Legislative Secretary	John Kiernan	S-O	18	2
Legislative Secretary	Rosalee Klisares	S-O	16	1
Legislative Secretary	John Larson	S-O	16	1
Legislative Secretary	Jean Nelson	S-O	16	5
Legislative Secretary	Sybil Soukup	S-O	18	1
Legislative Secretary	Martha Ullem	S-O	16	2
Legislative Secretary	Nancy Wayman	S-O	18	3
Legislative Secretary	Joanne Wengert	S-O	16	5
Legislative Secretary	Jo Ann West	S-O	16	6+2
Legislative Secretary	Barbara Thompson	S-O	16	1
Legislative Committee Secretary	Mary Lou Aspengren	S-O	18	3
Legislative Committee Secretary	Claudia Baumgarten	S-O	18	1
Legislative Committee Secretary	Stacy Beattie	S-O	18	1
Legislative Committee Secretary	Susan Betsinger	S-O	17	3
Legislative Committee Secretary	Susan Cowden	S-O	18	3
Legislative Committee Secretary	Judy Dierenfeld	S-O	17	1
Legislative Committee Secretary	Alyce Elmitt	S-O	18	5
Legislative Committee Secretary	Gerry Gaskill	S-O	17	1
Legislative Committee Secretary	Svetlana Gerachshenko	S-O	18	1
Legislative Committee Secretary	Kent Hartwig	S-O	18	1
Legislative Committee Secretary	Marce Huhn	S-O	18	2

Legislative Committee Secretary	Vicki Iverson	S-O	18	2
Legislative Committee Secretary	Myrtle Jensen	S-O	17	6
Legislative Committee Secretary	LeAnn Jesina	S-O	17	2
Legislative Committee Secretary	Jennifer Johnson	S-O	18	1
Legislative Committee Secretary	Marlene Martens	S-O	18	3
Legislative Committee Secretary	Jo Murray	S-O	18	1
Legislative Committee Secretary	Joel Oswald	S-O	18	1
Legislative Committee Secretary	Laura Pfeffer	S-O	18	1
Legislative Committee Secretary	Barbara Redwine	S-O	18	1
Legislative Committee Secretary	Elaine Rittmer	S-O	17	2
Legislative Committee Secretary	Virginia Sourbeer	S-O	18	2
Legislative Committee Secretary	Jan Veenstra	S-O	18	3
Legislative Committee Secretary	Betty Wise	S-O	17	6+2
Bill Clerk	Jay Mosher	S-O	14	3
Postmaster	Eleanor Hesseling	S-O	12	5
Sergeant-at-Arms	Bill Krieg	S-O	17	4
Asst. Sergeant-at-Arms	Tom Sheldahl	S-O	14	2
Doorkeeper	Arnold Boyum	S-O	11	3
Doorkeeper	Svend Christensen	S-O	11	5
Doorkeeper	James Douglas	S-O	11	1

Doorkeeper	Robert Langbehn	S-O	11	4
Doorkeeper	Frank Loeffel	S-O	11	2
Doorkeeper	Kermit Tannatt	S-O	11	2
Doorkeeper	Paul Underhill	S-O	11	2
Page	Suzie Ahn	S/O	10	1
Page	Eric Bagley	S/O	10	1
Page	Kendra Brown	S/O	10	1
Page	Brian Burns	S/O	10	1
Page	Lauren Clayton	S/O	10	1
Page	Kari Dummermuth	S/O	10	1
Page	Christina Engel	S/O	10	1
Page	Tim Gulbranson	S/O	10	1
Page	Girija Mahajan	S/O	10	1
Page	Melissa McCormick	S/O	10	1
Page	Sean McGuire	S/O	10	1
Page	Brendan Moe	S/O	10	1
Page	Alison Monaghan	S/O	10	1
Page	Lacey Oliver	S/O	10	1
Page	Justin Schroeder	S/O	10	1
Page	Alex Strittmatter	S/O	10	1
Page	Haley Swedlund	S/O	10	1
Page	Esther VanMersbergen	S/O	10	1

STEWART IVERSON, JR., Chair

## REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following increases, reclassifications, and the effective dates of Senate employees:

Admin. Asst. to Ldr. III to Sr. Admin. Asst. to Ldr.	Tom Cope	Grade 35, Step 6 to Grade 38, Step 4 Effective 7/00
Admin. Asst. to Ldr. II	Sara Deeny	Step 2 to Step 3 Effective 6/00 RESIGNED 1/5/01
Sr. Caucus Staff Director	Chris Hull	Step 2 to Step 3 Effective 2/01 RESIGNED 8/31/00
Sr. Legis. Research Analyst	Pam Dugdale	Step 3 to Step 4 Effective 5/00
Legis. Research Analyst I	Petricia Ward	Step 3 to Step 4 Effective 2/01
Legis. Research Analyst I to Caucus Staff Director		Grade 29, Step 3 to Grade 38, Step 5 Effective 11/10/00
Legis. Research Analyst	Angela Dorsey	Step 2 to Step 3 Effective 5/00
Legis. Research Analyst	Jim Friedrich	Step 2 to Step 3 Effective 7/00
Legis. Research Analyst	Andy Warren	Step 1 to Step 2 Effective 5/00
Legis. Research Analyst	Stacey Abildtrup	Step 1 to Step 2 Effective 3/00
Legis. Research Analyst	Michael Mulford	Step 1 to Step 2 Effective 4/00 RESIGNED 6/30/00
Caucus Secretary to Research Assistant	Anissa Cowley	Grade 21, Step 2 to Grade 24, Step 1 Effective 6/00
Admin. Asst to Ldr. III to Sr. Admin. Asst. to Ldr.	Rebecca Beach	Grade 35, Step 5 to Grade 38, Step 3 Effective 7/00

Admin. Asst. to Ldr. III to Sr. Admin. Asst. to Ldr.	Kaye Lozier	Grade 35, Step 5 to Grade 38, Step 3 Effective 7/00
Admin. Asst. to Ldr. II	Melissa Watson	Step 2 to Step 3 Effective 7/00
Admin. Asst. to Ldr. II to Admin. Asst. to Ldr. III	Jo Ann Hanover	Grade 32, Step 4 to Grade 35, Step 3 Effective 7/00
Sr. Caucus Staff Director	Debbie O'Leary	Step 5 to Step 6 Effective 8/00
Legis. Research Analyst to Legis. Res. Analyst I	James Fitzgerald	Grade 27, Step 3 to Grade 29, Step 3 Effective 1/01
Legis. Research Analyst to Legis. Res. Analyst I	Julie Simon	Grade 27, Step 3 to Grade 29, Step 3 Effective 1/01
Legis. Research Analyst	Jeff Lake	Step 2 to Step 3 Effective 7/00
Legis. Research Analyst	Kerry Wright	Step 2 to Step 3 Effective 7/00
Legis. Research Analyst	Rusty Martin	Step 3 to Step 4 Effective 8/00
Secretary of the Senate	Michael E. Marshall	\$80,168 to \$86,510 Effective 6/00
Sr. Asst. Sec. of Senate	Cynthia Clingan	Step 4 to Step 5 Effective 6/00
Finance Officer I	Lois Brownell	Step 5 to Step 6 Effective 6/00
Confidential Secretary II to Secretary	Lori Bristol	Step 5 to Step 6 Effective 2/01
Secretary to Ldr. to Exec. Sec. to Ldr.	Beverly Walsmith	Grade 19, Step 1 to Grade 24, Step 1 Effective 5/26/00
Exec. Sec. to Ldr. to Confidential Sec. to Ldr.		Grade 24, Step 1 to Grade 27, Step 3 Effective 11/24/00

Editor II to Sr. Editor	K'Ann Brandt	Grade 25, Step 5 to Grade 30, Step 1 Effective 6/00
Editor I	Janet Hawkins	Step 1 to Step 2 Effective 6/00
Indexer II	Kathy Olah	Step 3 to Step 4 Effective 6/00
Indexer/Rec. & Supply to Indexer II/Rec. & Supply	Kathleen Curoe	Grade 22, Step 6 to Grade 25, Step 4 Effective 6/00
Doorkeeper	Arnold Boyum	Step 3 to Step 4 Effective 2/16/01
Doorkeeper	Carl Langbehn	Step 3 to Step 4 Effective 1/18/01
Doorkeeper	Frank Loeffel	Step 1 to Step 2 Effective 3/16/01
Doorkeeper	Kermit Tannatt	Step 2 to Step 3 Effective 2/16/01
Doorkeeper	Paul Underhill	Step 2 to Step 3 Effective 2/2/01
Bill Clerk	Jay Mosher	Step 3 to Step 4 Effective 2/16/01
Legis. Committee Secretary	Claudia Baumgarten	Step 1 to Step 2 Effective 3/2/01
Legis. Committee Secretary	Susan Betsinger	Step 2 to Step 3 Effective 1/8/01
Legis. Committee Secretary	Judy Dierenfeld	Step 1 to Step 2 Effective 3/2/01
Legis. Committee Secretary	Gerry Gaskill	Step 1 to Step 2 Effective 3/2/01
Legis. Committee Secretary	Vicki Iverson	Step 1 to Step 2 Effective 3/19/01
Legis. Committee Secretary	Jennifer Johnson	Step 1 to Step 2 Effective 3/2/01
Legis. Committee Secretary	Jo Murray	Step 1 to Step 2 Effective 3/2/01

Legis. Committee Secretary	Joel Oswald	Step 1 to Step 2 Effective 3/2/01
Legislative Secretary	Nichole Bushore	Step 1 to Step 2 Effective 3/2/01
Legislative Secretary	Rosalee Klisares	Step 1 to Step 2 Effective 3/2/01
Legislative Secretary	John Larson	Step 1 to Step 2 Effective 3/2/01
Legislative Secretary	Sybil Soukup	Step 1 to Step 2 Effective 3/2/01
Legislative Secretary	Barbara Thompson	Step 1 to Step 2 Effective 3/2/01
Legislative Secretary	Martha Ullem	Step 2 to Step 3 Effective 1/19/01
Legislative Secretary	Joanne Wengert	Step 5 to Step 6 Effective 2/16/01

STEWART IVERSON, JR. Chair

## REPORT OF THE COMMITTEE ON MILEAGE

MADAM PRESIDENT: Pursuant to Section 2.10, Code 2001, the following has been determined to be the mileage to which Senators are entitled for the Seventy-ninth General Assembly:

<u>NAME</u>	<u>ROUND TRIP MILES</u>
Angelo, Jeff.....	144
Bartz, Merlin E. ....	274
Behn, Jerry.....	94
Black, Dennis H. ....	104
Boettger, Nancy J.....	222
Bolkcom, Joe .....	236
Connolly, Michael W.....	400
Dearden, Dick .....	0
Deluhery, Patrick J.....	338
Drake, Richard.....	306
Dvorsky, Robert E.....	224
Fiegen, Thomas L.....	308
Fink, William "Bill".....	28
Flynn, Tom .....	418
Fraise, Gene .....	369
Freeman, Mary Lou .....	320
Gaskill, E. Thurman .....	250

Greiner, Sandra H. ....	192
Gronstal, Michael E. ....	270
Hammond, Johnie.....	74
Hansen, Steven D.....	404
Harper, Patricia.....	220
Holveck, Jack.....	0
Horn, Wally E. ....	250
Iverson, Stewart, Jr. ....	152
Jensen, John W. ....	300
Johnson, Joann.....	60
Kibbie, John P. (Jack).....	344
King, Steve.....	280
Kramer, Mary E. ....	0
Lamberti, Jeff.....	0
Lundby, Mary A. ....	272
Maddox, Gene.....	24
McCoy, Matt.....	0
McKean, Andrew J.....	300
McKibben, Larry.....	110
McKinley, Paul.....	124
McLaren, Derryl.....	300
Miller, David.....	220
Redfern, Donald B.....	210
Redwine, John.....	400
Rehberg, Kitty.....	272
Rittmer, Sheldon.....	388
Schuerer, Neal.....	204
Sexton, Mike.....	242
Shearer, Mark.....	268
Soukup, Betty A. ....	167
Tinsman, Maggie.....	360
Veenstra, Ken.....	480
Zieman, Mark.....	410

MARY LOU FREEMAN, Chair  
DENNIS BLACK  
DICK DEARDEN  
DERRYL McLAREN

## INTRODUCTION OF RESOLUTION

**Senate Joint Resolution 1**, by Bartz, a joint resolution to nullify an administrative rule of the department of commerce, alcoholic beverages division, relating to activities that do not constitute an interest in ownership, conduct, or operation of a retailer by an alcoholic beverage industry member, and providing an effective date.

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

## INTRODUCTION OF BILL

**Senate File 7**, by Flynn, a bill for an act relating to mobile home parks by providing for severe weather evacuation plans and the construction of storm shelters.

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

## REPORTS OF COMMITTEE MEETINGS

### **ETHICS (2000 standing committee report)**

**Convened:** January 8, 2001, 8:10 a.m.

**Members Present:** Hedge, Chair; Drake, Vice Chair; Szymoniak, Ranking Member; Connolly, Hammond, and McKean.

**Members Absent:** None.

**Committee Business:** Discussion concerning a complaint made by Dean Larson against Senator E. Thurman Gaskill. The complaint was unanimously dismissed, as it did not raise a violation of the Code of Iowa or of the Senate Code of Ethics.

**Adjourned:** 8:25 a.m.

### **EDUCATION**

**Convened:** January 8, 2001, 3:10 p.m.

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

**Members Absent:** McKinley, Redfern, and Veenstra.

**Committee Business:** Presentation by Iowa Association of School Boards.

**Adjourned:** 4:10 p.m.

# JOURNAL OF THE SENATE

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SECOND CALENDAR DAY  
SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 9, 2001

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

Prayer was offered by the Reverend Paul Thompson, pastor of First Lutheran Church, Dows, Iowa, guest of Senator Iverson.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, until he returns, on request of Senator Gronstal.

## COMMITTEE FROM THE HOUSE

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

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 8, 2001, **adopted** the following resolutions in which the concurrence of the Senate is asked:

**House Concurrent Resolution 1**, a concurrent resolution designating a joint convention on Tuesday, January 9, 2001, at 10:00 a.m., for Governor Vilsack to deliver condition of the state and budget message.

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

**House Concurrent Resolution 2**, a concurrent resolution designating a joint convention on Wednesday, January 10, 2001, at 10:00 a.m. for Chief Justice Lavorato to deliver his condition of the judicial branch message.

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

#### INTRODUCTION OF BILLS

**Senate File 8**, by Iverson, Lamberti, Kramer, McKean, Behn, Jensen, Zieman, Tinsman, Maddox, Miller, Rittmer, Sexton, McLaren, Redfern, McKibben, Schuerer, Bartz, Gaskill, Drake, Johnson, McKinley, Angelo, Veenstra, Redwine, Rehberg, Boettger, Freeman, King, Greiner, and Lundby, a bill for an act relating to state general fund expenditure limitation requirements for transmission of the state budget by the governor and passage of the state budget by the general assembly.

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

**Senate File 9**, by Sexton, a bill for an act relating to a requirement that the state department of transportation purchase soydiesel fuel for use in its vehicles.

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

**Senate File 10**, by Angelo, a bill for an act relating to confinement feeding operations, by providing for generally accepted agricultural management practices, and making penalties applicable.

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

#### CONSIDERATION OF RESOLUTIONS

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 1 and House Concurrent Resolution 2.

#### **House Concurrent Resolution 1**

On motion of Senator Iverson, **House Concurrent Resolution 1**, a concurrent resolution designating a joint convention on Tuesday, January 9, 2001, at 10:00 a.m. for Governor Vilsack to deliver

condition of the state and budget message, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 1, which motion prevailed by a voice vote.

### **House Concurrent Resolution 2**

On motion of Senator Iverson, **House Concurrent Resolution 2**, a concurrent resolution designating a joint convention on Wednesday, January 10, 2001, at 10:00 a.m. for Chief Justice Lavorato to deliver his condition of the judicial branch message, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 2, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolutions 1 and 2** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 9:15 a.m. until 9:45 a.m.

### RECONVENED

The Senate reconvened at 9:47 a.m., President Kramer presiding.

The Journal of Monday, January 8, 2001, was approved.

In accordance with House Concurrent Resolution 1, duly adopted, the Senate proceeded to the House Chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

## JOINT CONVENTION

The joint convention convened at 9:50 a.m., President Kramer presiding.

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

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

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

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Angelo, Shearer, and Tinsman on the part of the Senate, and Representatives Falck, Hoversten, and Tymeson on the part of the House.

The following guests were escorted into the House Chamber:

Secretary of State Chester J. Culver, Treasurer of State Michael Fitzgerald, Secretary of Agriculture and Land Stewardship Patty Judge, and Attorney General Tom Miller.

Chief Justice Lavorato and Justices of the Supreme Court and Chief Judge Sackett and the Judges of the Court of Appeals.

Lieutenant Governor Sally Pederson.

Mrs. Christie Vilsack, wife of the Governor.

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

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

Iowa always has been a land of great opportunity. The earliest Iowans, the Sac and Fox tribes among them, lived well and prosperously from our soil's great bounty. Pioneering Americans were drawn to our great rolling prairies, as they moved westward in the 19th century and settled here to make new lives for themselves. Later, newcomers came from Ireland, Germany, Sweden, Norway, Holland, and Czechoslovakia to this land of promise. They made Iowa their home, as did their children and their children's children.

Opportunity has always been here for the taking, here for anyone with a sense of adventure and a spirit of exploration.

Today, more than at any time in the past, Iowa is a place of great potential. But in order to seize the limitless opportunities that lie ahead, we, too, must be willing to dare and to challenge the status quo.

Our future of promise does not depend on a continuation of the old ways and of the old economy built on low commodity prices and low-tech jobs. This path has led to below-average family incomes and stagnant population growth. Rather, our future of promise must be based on a new economy. A new economy that uses genetic codes, computer chips, and other science and technology marvels to create new frontiers.

A new economy that relies on well-educated and productive workers, is energized by dynamic, global markets, rewards innovation and creativity, and is driven by rapidly growing, technologically connected small businesses. Such a new economy will lead to higher incomes for working Iowans and their families and a better quality of life for all Iowans.

Iowans can, and Iowans should, lead this new economy.

But leadership will require courage—the courage to change. Working together, we've achieved much in the past. We've reduced class sizes in the early grades, improving opportunities for basic skills learning. We've begun to make our communities safer by reducing the supply of dangerous drugs like meth. We've enhanced our natural resources through aggressive private land conservation, helping to clean up our rivers and streams. We've expanded health care to thousands of children through an expansion and better outreach of the Hawk-I health insurance plan. Despite all that and more, there is still much work ahead of us.

As I reflect on our mission to lead the new economy, I am drawn to lessons learned in our history. Nearly 200 years ago, Thomas Jefferson understood that America's promise was contained in a new, expanding economy. He was drawn to the possibilities and promise of the West. And in 1803, he won approval from Congress for his visionary project—what was to become one of America's greatest adventure stories. He commissioned two men eager for knowledge, Meriwether Lewis and William Clark, to explore new territory and to chart a course to new opportunity. Lewis and Clark planned and prepared. They put together a team of talented, innovative people. They relied on the expertise of their team members—a native American woman, Sacagawea, who welcomed these strangers to a new land and helped them communicate by translating the Native American languages and an African-American slave named York who helped to make critical decisions about routes to take which guaranteed their safe return. They took risks, and they used the latest technologies. And they were absolutely determined to, committed to, succeeding.

This brave group of adventurers had to rely on each other in order to succeed. For four years, Lewis and Clark and their team experienced the absolute wonder of discovery. Their explorations included Iowa: During their epic journey, Lewis and Clark traveled along Iowa's western border—and even buried one of their own in our soil.

Because they found a way to work together toward a common goal, they were able to open new territories to a young nation. They opened paths to previously uncharted territories. Succeeding generations seized these new opportunities and built a nation, a strong great nation—an American nation—nothing less than the strongest and most bountiful nation in history.

Today, let us commit ourselves to the challenges of transforming to a new economy and leading it with the spirit of teamwork and dedication to a common goal that drove Lewis and Clark. Let us, through our work together here and now, help Iowans seize the limitless opportunities of the new economy.

Let us build an Iowa that, with each succeeding generation, will become only better and stronger.

There are over 500,000 children going to schools across the state in kindergarten through twelfth grade. Each child has their own dream, their own developing potential, and their own educational need. A quality education provided by quality teachers makes a dream come true, the potential realized and the need met. If we are to transition to a new economy and lead it, we must start by transforming our schools and continue the commitment to excellence and high student achievement.

Two Iowans who already have committed to Iowa's leadership in the new economy are Marvin Pomerantz and John Forsyth. Each of these men understands the critical role that a high-quality education plays in the new economy. Last year, Marvin and John worked separately and jointly with educators, administrators, parents, school board members, and business leaders to develop a framework that will significantly improve student achievement by enabling Iowa schools to recruit and to retain quality teachers.

Their plan is driven by a simple principle: For our children to achieve their very best, they must be taught by the very best.

The single most important factor in a quality education—beyond involved parents—is a quality teacher. For years, Iowans have been blessed with many quality teachers. However, we can no longer take quality teachers for granted. In a world of opportunity, quality comes at a price.

Today, fewer young people are going into teaching. Beginning teaching salaries are thousands of dollars less than the starting salaries of most jobs available to high-achieving college graduates.

Many young people who make the choice to teach soon leave the profession. In Iowa, 28% of our teachers leave the classroom after the first three years for better opportunities. We lose 17% of our teachers in the first year alone, and that's about twice the national average. School officials are faced with the fact that up to 40% of Iowa's classroom teachers will be retiring within the next ten years.

As Iowa tries to recruit and retain talented teachers, so does the rest of the nation. The nation will need 2.2 million teachers over the next ten years but is equipped to educate and prepare only 1.4 million. That means there will be a shortage of 800,000 teachers. And as Iowa seeks to compete for that shrinking supply, our teacher salaries rank 35th in the nation.

If Iowa is to lead the new economy, our children must be high achievers, taught by the best teachers. Thanks to the work of Marvin Pomerantz and John Forsyth and their teams, work supported by legislative leaders from both chambers and from both sides of the aisle, we have a plan to do just that.

Recognizing that quality is about more than dollars and cents, this plan outlines how we can better develop and support quality teachers. The plan challenges all involved with student learning to aim high and to constantly improve.

The plan to improve student achievement has four basic elements.

First, it requires a rigorous course of study to become a teacher and participation in a multiyear induction or mentoring program in the first two years of teaching, which will guarantee teachers who are better-prepared for the classroom and better-supported once they've begun teaching.

Second, it establishes a research-based program of continuing education designed to improve student learning.

Third, it proposes to strategically increase teacher pay by fixing base pay at levels linked to the national labor market for teachers that will allow Iowa to remain competitive for talent.

Finally, it creates a variable pay program that rewards teachers, administrators, and certified staff for annual improvements in student achievement.

All of these simply reflect one of Iowa's oldest and most deeply held values—excellence in education.

Joining John Forsyth are the Iowans who worked in the development of this framework, as well as a number of Iowa's board-certified teachers and Milken Foundation grantees. These are teachers who have reached the pinnacle of their careers through hard work and continuing education. These are the teachers who have helped our students to excel. They model the career development, the commitment to quality, and the love of the calling reflected in the plan presented for your consideration. Please join me in thanking each of them for their contribution to our children, our future, and the future of Iowa.

The success of this plan depends in part on adequate funding. The framework will take several years to fully implement. During that time, some of the resources should and must come from dollars already allocated to our K-12 programs. But new funds also will be required.

Discussion of new funding often is a discussion of choices. But ensuring higher student achievement is no longer a choice. It is a requirement if we wish to transition to a new economy and lead it.

To reflect the priority that I believe we should place on this effort, I propose in the budget presented to you an initial first-year investment of \$40 million in new state dollars. I propose that we make this significant investment now, in the form of a supplemental appropriation, before any other budget decisions are made.

We must all work together, in a bipartisan way, to transform our system. But this level of first-year funding will show real commitment. Appropriating first-year funding now shows the depth of that commitment—a commitment to change and to leadership in the new economy.

Last year, a team of talented Iowans showed their own commitment to change and to leadership with a blueprint for Iowa's future in the next ten years. Led by David Oman, a Republican, and Betsy Brandsgard, a Democrat, these bold thinkers made many recommendations for action. One of the principal recommendations revolved around their conclusion that by the year 2010, Iowans should be electronically connected to each other and to the world. They predicted that our access to emerging technologies would move Iowa to the forefront in education, e-commerce, medicine, and e-government. They predicted a revitalized new economy for Iowa, built on technology.

Creating a new economy and leading it will require affordable access to the Internet and other advanced telecommunications services—for all Iowans.

During my walk across Iowa, I visited many great small communities like Turin, Iowa, population 75. Sixty years ago, the leaders of that community made the decision not to invest in the new technology of that era—sanitary sewers. That decision has impact yet today, for the community cannot attract a convenience store that would make access to basic groceries more convenient. We have a chance to bring the world to the people of Turin, and hundreds of similar-sized communities, and help make Iowa a leader in the new economy. But we must move now to bring emerging technologies everywhere in Iowa at a price we can afford. In order for all Iowans to have that affordable access, there must be a strong, collaborative partnership between the public and private sectors.

Today, I ask for your support for the development of an Advanced Telecommunications Alliance. This alliance would bring public and private sector leaders in telecommunications together in a formal structure to design an advanced telecommunications service plan for Iowa. At this inception, we should challenge this new alliance to electronically link all Iowans with each other and with the world by 2005—a full five years before the prediction of the Strategic Planning Council.

I am confident that those telecommunications leaders will get the job done, if Iowans understand the enormous opportunities that such connections allow. Achieving that understanding will be easier if technical planning and assistance, identifying the benefits of being connected, is available.

To help communities access that planning and technical assistance, we should create a fund—a Digital Communities Account. Making resources available to communities through the account will accelerate the understanding of the importance and the potential of being connected. Such an understanding will create the demand for services to which the private sector will respond. When that occurs, every Iowan, from grandparents wishing to e-mail their grandchildren to large business owners or

small business owners needing access to global markets, will have access to advanced telecommunication services—a prerequisite to leadership in the new economy.

Today, Iowans lead busy, and at times, complicated lives. We balance family and friends, work, community and church responsibilities. We need a government that helps us deal with these responsibilities and reflects our values.

When we need information or services from state government, we have a right to expect accuracy, efficiency and quality. E-government, information, and services available 24 hours a day, 7 days a week, will help meet our expectations and make things a little easier and a lot more convenient.

Working together, we can create E-government so that every Iowan who seeks information, applies for a license or permit, or files a tax return or other document, will be able to do so whenever and however is most convenient for them.

Let us accept the challenge of 100% E by 2003. Iowans need it. Leadership of a new economy requires it.

In the same vein, we need a more accountable government. Accountability is a core Iowa value. We can and we should reflect that value in our statutory law defining how we govern and decide. That is why we ask for your support of the Accountable Government Act. Under the Act, the executive branch would strategically plan, develop performance measurements to gauge progress, and budget according to the desired results. We would be required to annually report to citizens and welcome regular performance reviews. We would be equipped to make decisions on data when limited resources require choices.

Working together, let us adopt the Accountable Government Act. When coupled with the mandate for fiscal responsibility and saving contained in our Constitution and prior budget reform acts, the Accountable Government Act will complete the effort to have a government with the values of the people it serves. A government well suited to help us lead the new economy.

Recently, I had the privilege of welcoming to the Governor's office two of Iowa's top, young scholars—Colin Holtze and Dana Hansen. These two young people are in their first year of college—Colin at Duke and Dana at Iowa State. What must we do today to maximize our chances of having these two bright, young people, and thousands like them, shape Iowa's future?

I believe the answer lies in transforming our economy and leading the new economy—particularly in areas where Iowa has a competitive advantage. Younger Iowans may know that Iowa boasts some of the richest, most productive soil in the world—land that has fed a nation and has helped to feed a world. But do they also understand the power of the research and development taking place on our university campuses or at businesses located across the state? Work that will expand the uses of our crops from food and fiber to cures for cystic fibrosis and other illness, to renewable, cleaner burning fuels, and to biodegradable materials suitable for manufacturing a wide variety of products.

Imagine a world where rosemary is used for more than adding flavor to food. Imagine a day when it will produce an antioxidant that wards off illness or disease.

Imagine a world where pharmaceutical drugs are no longer needed to treat illness and disease because gene therapy has prevented the illness or disease in the first place. Imagine a world where the effects of weather on crops can be managed by applying a substance to plants already planted, that will enable the plants to adjust to unexpected weather patterns. Iowans do not have to imagine such a world. We live in it—right here in Iowa—just ask the folks at Kemin Industries in Des Moines, the Plant Science Center at Iowa State University or the Biomedical Centers at the University of Iowa.

Iowa's formulae for keeping and attracting the talent of tomorrow requires a change in economic development philosophy to promote industry clusters of the life sciences, advanced manufacturing, information solutions, continued investment in research and development, and additional support for entrepreneurs.

Let us invite young people to Iowa's exciting future through the use of traditional economic development tools in new ways to develop the industry clusters of life sciences for companies like Kemin and Trans Ova, for advanced manufacturers like Rockwell Collins and Maytag, and information solutions for companies like ABC Virtual Communications and Diversified Software Industries. Let us invite young people to Iowa's exciting future through increased investment in the cutting-edge research and development taking place at our regents universities. Let us invite young people to Iowa's future through increased investment in entrepreneurship with a tax credit for investors, providing the venture capital for new start-ups.

Let us begin today to extend the invitation to higher incomes, better quality of life, and leadership in the new economy.

The new economy will not help everyone. The over 100,000 workers in Iowa earning the minimum wage likely will not be helped. A majority of them are women, and many are raising families. The purchasing power of the minimum wage today is much less than it was in 1982. If we are to restore the purchasing power of the minimum wage and provide a better chance for women and their children in particular, we should raise the minimum wage by \$1.00 over the next two years. Currently, a person making minimum wage, working 40 hours a week, makes a little over \$10,500 a year. With two wage earners at that level, a family of four would still qualify for some levels of assistance. Let us restore some measure of dignity for a hard day's work. Let us raise the minimum wage so that many Iowans working full time don't need assistance, but can have the satisfaction of doing it all on their own.

My time with you today is limited and does not allow a full discussion of all the proposals designed to help Iowa move forward. Rest assured that a continued and expanded effort at protecting and enhancing our natural resources and expanding cultural and recreational opportunities remain a priority. More resources for Vision Iowa, Enrich Iowa, REAP, Destination Parks, the Clean Water Initiative, and private land conservation are proposed. We will persist in our efforts for more local control over the location of large livestock facilities, and we will support an expansion of Iowa's successful Bottle Bill called for by an ever-growing grassroots environmental effort.

Jarren Ozburn, Trevor Boldra, and Joel Vasquez. Who are these Iowans? They were Iowans with compelling, untold, and tragic stories. They were Iowans who never experienced the joy of learning something new. They will not experience the joy of falling in love, of welcoming new life into the world. They were children in Iowa who, along with Shelby Duis and seven more children, died recently as a result of child

abuse. These 11 children join seven adults who died from domestic abuse last year. They join the 65 children and adults who have died from abuse in the last five years—a number that would grow if we had accurate figures of elder abuse. A number that would grow by tens of thousands if we added those physically and psychologically hurt by abuse.

Shelby Duis' bruised and battered body put a name, a face, and a story to abuse in Iowa. Tragically, before her death and after her death, there were many others.

How many have to be injured or die before we get serious about abuse? How many have to be injured or die before we increase the protection services and improve training? How many have to be injured or die before we recognize the link between substance abuse, mental illness, and violence, and support strategies that work to break the cycle—like insurance parity and treatment?

Leadership in a new economy will mean little if our hearts are hardened to the cries of the most vulnerable. We will honor and bring meaning to all those who have lost their lives to senseless violence by fully and comprehensively dealing with abuse in this state. Today, let us pledge not with our words, but our actions to do what is required to protect the most vulnerable among us. Let us not be satisfied with half measures. Let us commit the full measure of devotion to the task of stopping abuse—of stopping abuse in Iowa, now.

I began this morning by talking about our state's history. It was built by hard work and with a strong sense of community. And it was built by people who came here from all over the world. From the beginning, immigrants have come to our state and helped it to prosper. As they became new Iowans, and added to our economic wealth, their diversity also brought strength and cultural richness to our state.

Historian Stephen Ambrose has said that the story of Lewis and Clark is America's story. It is the story of a diverse group of people, working for a common goal, who came together. They could not have succeeded in or survived their journey of exploration had they not done so. They proved that there is nothing that men and women cannot do if they act as a team dedicated to a common purpose.

The challenges that lie ahead of us are large and many. The opportunities that lie ahead are greater and more numerous. And if we can come together, work together toward a common purpose, we will create an Iowa high tech enough to lead a new economy and high touch enough to protect its most vulnerable.

The Iowa of today, like the America of 200 years ago, is a land of unlimited potential. Two centuries ago, our nation turned to two men to chart the course to new opportunities. Iowa today will turn to literally thousands of well-educated, productive citizens to chart new territory. With our collective work here, now we will decide if children's dreams will come true in Iowa, if a small-business owner in the smallest of our communities can have access to the world here in Iowa, if the bio-revolution will find a home in Iowa, or if our compassion is strong enough to break a cycle of violence and abuse or stop prejudice.

In 1805, a couple of years into their journey, Meriwether Lewis wrote in his journal, "The party are in excellent health and spirits, zealously attached to the enterprise, and

anxious to proceed, not a whisper of murmur or discontent to be heard among them, but all act in unison, and with the most perfect harmony.”

As we embark on our journey, let it be said of us as well.

Thank you, and God bless you and our great state.

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

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

The Senate returned to the Senate Chamber.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:43 a.m. until 9:00 a.m. Wednesday, January 10, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 9, 2001

#### DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Iowa Agrichemical Remediation Act—Report to the General Assembly, January 10, 2001, pursuant to 2000 Acts, Chapter 161.11.

#### DEPARTMENT OF CORRECTIONAL SERVICES

Intermediate Criminal Sanctions Program Report for the First Judicial District—December 20, 2000.

#### DEPARTMENT OF MANAGEMENT

FY 2000 Contract Compliance Annual Report, pursuant to Iowa Code 19B.7.

### REPORTS OF COMMITTEE MEETINGS

#### RULES AND ADMINISTRATION

**Convened:** January 8, 2001, 10:56 a.m.

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

**Members Absent:** Boettger, Dvorsky, Fink, and Gaskill (all excused).

**Committee Business:** Accepted the appointments for the permanent officers and employees of the Senate.

**Adjourned:** 10:57 a.m.

#### COMMERCE

**Convened:** January 9, 2001, 2:05 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, McCoy, and Redwine.

**Members Absent:** Lundby, Maddox, and Redfern.

**Committee Business:** Organizational meeting and approval of standing committee rules.

**Adjourned:** 2:25 p.m.

### **ETHICS**

**Convened:** January 9, 2001, 2:18 p.m.

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

**Members Absent:** None.

**Committee Business:** Organizational meeting.

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

### **HUMAN RESOURCES**

**Convened:** January 9, 2001, 1:40 p.m.

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

**Members Absent:** Hammond, Ranking Member (excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 1:55 p.m.

### **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** January 9, 2001, 1:06 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** Fink, Ranking Member (excused).

**Committee Business:** Adopted Senate Rules 39 and 40 and discussed priorities for the session.

**Adjourned:** 1:31 p.m.

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** January 9, 2001, 1:05 p.m.

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

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

**Committee Business:** Organizational meeting.

**Adjourned:** 1:20 p.m.

## TRANSPORTATION

**Convened:** January 9, 2001, 1:35 p.m.

**Members Present:** Rittmer, Chair; McCoy, Ranking Member; Dearden, Freeman, Jensen, Kibbie, McKinley, Sexton, and Ziemann.

**Members Absent:** Drake, Vice Chair; Fink, Fraise, and McLaren (all excused).

**Committee Business:** Introduction of committee members and staff and adoption of committee rules.

**Adjourned:** 2:00 p.m.

## INTRODUCTION OF BILLS

**Senate File 11**, by Lamberti, a bill for an act authorizing disclosure of certain information to the legal guardian of an individual receiving assistance or services from the department of human services.

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

**Senate File 12**, by Rehberg, a bill for an act allowing persons holding interests in family farm limited liability companies, family farm limited partnerships, and family farm trusts holding agricultural land to file for the homestead tax credit and the family farm tax credit.

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

**Senate File 13**, by Rehberg, a bill for an act concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster.

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

**Senate File 14**, by Rehberg, Behn, Ziemann, Veenstra, Jensen, Angelo, Sexton, Redwine, Schuerer, and King, a bill for an act relating to the elimination of the state inheritance tax and state qualified use inheritance tax.

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

**Senate File 15**, by Kibbie, a bill for an act providing for the marketing of livestock by prohibiting price discrimination and providing penalties.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 1**

WAYS AND MEANS: McKinley, Chair; Bolcom and Miller

### **Senate File 2**

WAYS AND MEANS: Maddox, Chair; Deluhery and Drake

### **Senate File 3**

WAYS AND MEANS: Greiner, Chair; Flynn and Redwine

### **Senate File 4**

WAYS AND MEANS: Lamberti, Chair; Harper and Rehberg

### **Senate File 8**

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

# JOURNAL OF THE SENATE

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THIRD CALENDAR DAY  
THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 10, 2001

The Senate met in regular session at 9:17 a.m., President Kramer presiding.

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

The Journal of Tuesday, January 9, 2001, was approved.

## OATH OF OFFICE

The report of the committee on credentials having been previously adopted, Senator Fraise appeared before the bar of the Senate, was duly sworn, and subscribed his name to the oath of office.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, for the remainder of the day, on request of Senator Iverson.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:29 a.m. until the fall of the gavel.

## RECONVENED

The Senate reconvened at 9:50 a.m., President Kramer presiding.

## COMMITTEE FROM THE HOUSE

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

In accordance with House Concurrent Resolution 2, duly adopted, the Senate proceeded to the House Chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

## JOINT CONVENTION

In accordance with law and House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 9:55 a.m., President Kramer presiding.

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

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

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

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Fiegen, Maddox, and McKean on the part of the Senate, and Representatives Butka, Heaton, and Sievers on the part of the House.

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

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Bartz, Fraise, and Miller on the part of the Senate, and Representatives Eichhorn, Shey, and Tremmel on the part of the House.

The following guests were escorted into the House Chamber:

Secretary of State Chester J. Culver, Treasurer of State Michael Fitzgerald, Secretary of Agriculture and Land Stewardship Patty Judge, State Auditor Richard Johnson, and Attorney General Tom Miller.

The Justices of the Supreme Court, Chief Judge Sackett and the Judges of the Court of Appeals, and the Chief Judges of the state's judicial districts.

Mrs. Janis Lavorato, wife of Chief Justice Lavorato; his son, Anthony Lavorato, and his guest, Lisa Davey; his stepdaughter, Jenna Green; his brother, Charles; his sister-in-law, Delayne Johnson, and her son, Jacob Johnson; his brother-in-law, Ed Busing; and his mother-in-law, Rachel Busing.

Lieutenant Governor Sally J. Pederson.

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

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

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

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

Thank you for the warm welcome.

As I was preparing for today's speech, I thought of the many esteemed public servants—legislators, governors, even presidents—who have addressed the General Assembly, indeed the people of Iowa, in these magnificent chambers. For more than 20 years, it has been the great honor of the Chief Justice of the Iowa Supreme Court to stand here and report on the state of the judiciary. Today, as I address you for the first time, I do so with genuine humility and a sense of awe.

Before I begin my remarks, I need to mention a few matters.

First of all, on behalf of the Court, I welcome the new legislators who join us today. We look forward to working with you on any issue involving the administration of justice.

Like the new legislators, I'm also a new kid on the block. Because I'm new, I feel I should tell you a little bit about myself. Those who know me recognize that I am candid and plainspoken. I am sure that some will say this is an understatement. What you see is what you get. My colleagues on the Court will tell you that, when I feel strongly about a cause, I am a passionate advocate. But they will also tell you that I know the value of consensus building.

I pledge to do all that I can to promote communication with you, within the Judicial Branch, and most importantly, with the public. With that in mind, I am pleased to announce that we are taking a step in that direction today. This address is being broadcast over the Internet.

I want to also mention that the members of the Court and I invite everyone to join us, after my remarks, for refreshments and conversation in the courtroom downstairs. I assure you that the refreshments are under the three-dollar limit for gifts, and the conversation is free.

And finally, I am proud to tell you about our Child Advocate of the Year, Jill Viau of Adel. She is not only a remarkable advocate for children; she is a remarkable person. While in college, Jill was a "Big Sister" for two children. For six years she worked as a volunteer mentor for teenage mothers. Jill also volunteered in a program that helps children with cancer. For the past ten years, she has devoted many hours as a court-appointed Special Advocate, working on behalf of abused children who are before the court for protection. Jill demonstrates the very best of what it means to be an Iowan. And now it is my great pleasure to introduce our Child Advocate of the Year, Jill Viau. Please join me in applauding her.

I want to thank you for the invitation to talk to you about the state of the judiciary. Although the news is not uniformly good, we have some exciting opportunities within our grasp that will lift the delivery of court services out of the past and into the present. I am going to describe those opportunities and outline the steps we need to take to realize them. We have already taken many steps in that direction.

#### HARNESSING TECHNOLOGY TO IMPROVE GOVERNMENT

Let me begin with a brief look back.

During the last decade, nothing transformed our world more than information technology. With your support and with the vision and hard work of many, the Judicial Branch harnessed technology to improve the administration of justice.

We computerized nearly every facet of Iowa's court system and connected all clerk of court offices and administrative offices to a statewide network. In doing so, we gained substantial management and case processing efficiencies, increased productivity, and facilitated communication. Our court information system is the model and envy of many states.

But we did not stop there.

We worked hand-in-hand with other government entities, including the Department of Transportation, the Department of Human Services, the Department of Public Safety, and the Department of Revenue and Finance to electronically link our

computer system with theirs. Through these links, we easily move mountains of information without paper, postage, or delay. These partnerships have improved a wide range of government services and made new services possible.

These innovations are only the beginning. We can and must do more.

### BRINGING THE COURTS TO THE PUBLIC

With the aid of information technology, we can provide a host of court services where they are needed, when they are needed, anytime and anyplace. We have the momentum to do this now.

#### WEB SITE ([www.judicial.state.ia.us](http://www.judicial.state.ia.us))

We took a step in this direction in 1998 with the creation of the Iowa Judicial Branch Web Site. Our site is first and foremost a public information tool. It houses an array of useful information about the courts and the legal system. For example, it includes (1) basic explanations of court procedures, structure, and history; (2) biographical information on all Iowa justices, judges, and magistrates; (3) appellate court opinions; and (4) the child support guidelines. It also contains manuals to assist domestic abuse victims. The manuals are in four languages: English, Bosnian, Vietnamese, and Spanish.

This year we'll revamp the site making it easier to use, and we'll add more information.

But with the web site we are just scratching the surface. We can do much, much more.

Think of viewing court records or paying traffic fines or child support from the convenience of one's home or office. This would be a huge advantage for busy Iowans. We are currently working on two projects that will eventually make this possible. They are dramatic steps, and we should take them now.

### ON-LINE COURTS

We are putting the finishing touches on the first step, a program that will put court dockets on-line, 24 hours a day, 7 days a week. With this service, Iowans will have at their fingertips summaries of case information such as court schedules, fine-payment records, judgments, liens, child support obligations, and other case events, from all 99 counties and the appellate courts.

We are ready to launch this program once you decide how to fund electronic access to public records.

### ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

The second step, the centerpiece of our on-line court system, will be a program we call electronic document management system or EDMS. It will enable people to electronically file their court documents and view entire court files on-line.

EDMS could eventually result in a paperless court system. However, I want to assure you that the Judicial Branch will continue to accommodate citizens who want to conduct their court business with paper. We will be equipped to scan paper filings into the system and to make paper copies when requested.

After several years of carefully studying the feasibility and cost of EDMS, we are ready to test it. In a few months, we will be operating pilot projects in Clinton County and Dubuque County. Later this year, we will test the program here at the appellate level. After the tests are done, we hope to take this technology statewide.

But we're not going to stop there. We can do more.

### VIDEO COURT

During the recent presidential election saga, Americans had an opportunity to watch televised arguments before a state appellate court. At the time, a journalist asked me if the Iowa Supreme Court would ever allow television coverage of its proceedings. He was amazed when I told him that the Iowa Judicial Branch has allowed cameras in our courts for the past 20 years. Although we allow televised coverage, the media has not taken advantage of this by covering proceedings gavel-to-gavel.

Unfortunately, the public's perception of the court system is influenced by television shows such as People's Court, Divorce Court, and Moral Court, the goals of which are to entertain and sell household cleaners. Some people fear that video broadcasts of the courts would undermine the dignity of our court system. I disagree. Television broadcasts of real court proceedings, the goals of which are to administer justice, will promote public understanding and, in turn, heighten respect for our courts and the rule of law.

I am pleased to announce that the state's new judicial branch building will be equipped with everything needed to broadcast proceedings of the Iowa Supreme Court and the Iowa Court of Appeals.

### TECH FUNDS

Opportunities of the magnitude I have mentioned require more than careful planning and hard work; they require reliable and continuous funding sources.

Dependable funding fosters planning, sparks innovation, and speeds deployment of new technology. You wisely recognized this when you created a dedicated funding stream for court technology and earmarked those funds solely for that purpose. We commend you for your foresight. By doing this, you gave us the power to revolutionize the court system. If we take the steps I have outlined, we can bring the courts closer to the people.

### OTHER STEPS

While it is true that technology has been the driving force for much of our recent progress and it offers exciting opportunities for progress in the future, we must remember that it is not an end in itself. It is a useful tool to help the court system perform its basic function of providing justice.

We have additional steps to take. These steps do not involve the trappings of technology. They are simple but crucial steps that involve fundamental issues such as due process, performance, and resources.

#### INTERPRETER STUDY

Our legal system seems complex and intimidating, even to those who were born here. Imagine how it must seem to persons who do not speak or understand English. As a first generation Italian-American, I have some knowledge about the struggles immigrants face with our language. I witnessed my grandparents and my father having some of the same struggles.

We must be vigilant to safeguard the rights of, and provide access to, all who come to the courts regardless of which language they speak. Justice requires that we do so. That is why the Iowa Supreme Court has established a task force to assess the need for improvements in interpreter services. If improvements are needed, the task force will recommend a plan for addressing them. We must remove any barriers to justice.

#### PERFORMANCE ASSESSMENTS

We work for the public, just as you do. As public servants, we understand that our performance is directly related to the public's trust and confidence in us. Believing that we're on the right path is not enough. We need to objectively evaluate whether we are. And we have a plan to do just that. Recently, we adopted a five-part plan for ongoing reviews to measure Judicial Branch performance. The plan includes doing the following:

- Monthly, each judicial district will conduct a review of court statistics to determine whether they are meeting our time standards for case processing;
- Recently, we surveyed all court employees to find out how they think the courts perform in key areas such as fairness, integrity, efficiency, accessibility and communication. We'll repeat the survey periodically;
- We are encouraging each judicial district to hold employee discussion groups to hear employees' concerns and ideas for improvements;
- We are providing a standard exit questionnaire to each juror, asking them to evaluate their court experience; and
- We will conduct focus group sessions to seek the views of key court users such as attorneys, litigants, witnesses, and others.

Our performance reviews will serve as reality checks, help us identify any weaknesses in the court system, and generate ideas for future improvements.

#### JUDGESHIP STUDY

Our performance suffers when we do not have enough judges. The constitution gives you the responsibility to provide additional judges. However, we are keenly interested because the number of judges you provide directly affects our ability to carry out our constitutional mandate to serve the people.

In response to our shared concerns about the integrity of the statutory judgeship formulas, we started an intensive study of our trial court workload. This fall, more than half of our trial court judges and magistrates participated in an eight-week time

study designed by the National Center for State Courts. As you know from your own work, some issues require more time than others. The results of the time study will show us the average amount of time a judge needs to handle each type of case. The end result will tell us the number of judges and magistrates we need to dispose of cases in a timely manner. Soon, we'll present the Center's report to you with our recommendations.

### JUDICIAL BRANCH OPERATIONS

We know we must carefully manage the resources you provide. And we know we must exercise fiscal discipline. But when resources fall critically short of the public's demand for justice, even the best management will not slow the erosion of court services.

Due to the high cost of employee health insurance and other circumstances beyond our control, we began the fiscal year with a \$2.4 million deficit in our operating budget. Despite our best efforts to manage around the budget shortfall, we found no way to avoid the unpleasant task of cutting public services.

During my first month as chief justice, I traveled to every judicial district to meet with our judges, clerks of court, and juvenile court staff. They are doing their best to keep cases moving under the present difficult conditions. Based upon their comments, I believe that if these conditions continue, case processing will fall behind and delays will start to mount.

I am proud of all of our people in the Judicial Branch. And I am impressed by their boundless capacity for work and their unshakeable commitment to helping others. But even the most productive person can only do so much each day.

Our system of government calls upon all branches of government, in different roles, to contribute to the administration of justice. Our role is to decide cases according to the law, promptly and equally for all people. We rely on you for the resources required to carry out this important responsibility. Though our roles are different, our goals are the same: to provide Iowans with an accessible, fair, and efficient court system.

You have a good track record of responding to the Judicial Branch's needs. I am confident you will work with us in a bipartisan effort to respond to our present concerns. It is in the public's best interest to do so.

According to an ancient proverb: "A journey of a thousand miles begins with one step." Today, I have outlined steps that will move us toward a court system that is more accessible, more open, and more accountable. Some of the steps are highly innovative; others are fundamental; all are important. It's clear where we need to go and what we need to do. But to reach our destination, we need your help. Join with us on our journey to ensure Iowans their most precious heritage: the right to justice.

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

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

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

The Senate returned to the Senate Chamber.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:33 a.m. until 9:00 a.m. Thursday, January 11, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 10, 2001

#### BOARD OF REGENTS

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

#### DEPARTMENT OF EDUCATION

Statewide survey results for the Beginning Teacher Induction Program, pursuant to Iowa Code section 256E.5.

#### IOWA CITIZEN FOSTER CARE REVIEW BOARD

FY 2000 Annual Report and "Foster the Future" newsletter for Winter 2001.

#### AGENCY ICN REPORTS

#### DEPARTMENT OF HUMAN SERVICES

Iowa Communications Network (ICN) Usage for FY 2000, pursuant to Iowa Code section 8D.10.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** January 10, 2001, 1:58 p.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Flynn, Ranking Member; Hansen and Ziemann.

**Members Absent:** None.

**Committee Business:** Assigned Senator Schuerer and Representative Raecker as co-chairs and adopted subcommittee rules.

**Adjourned:** 2:03 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** January 10, 2001, 1:56 p.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Subcommittee rules were adopted and priorities for the session were reviewed.

**Adjourned:** 2:18 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 10, 2001, 1:56 p.m.

**Members Present:** Miller, Vice Chair; Fiegen, Ranking Member; Holveck and McKinley.

**Members Absent:** Behn, Chair (excused).

**Committee Business:** Introductions and organizational meeting.

**Adjourned:** 2:12 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 10, 2001, 2:00 p.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Kibbie and McLaren.

**Members Absent:** None.

**Committee Business:** Adoption of committee rules and presentation by the Legislative Fiscal Bureau.

**Adjourned:** 2:40 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 10, 2001, 2:00 p.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; and Rittmer.

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

**Committee Business:** Introductions and adoption of committee rules.

**Adjourned:** 2:44 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 10, 2001, 2:10 p.m.

**Members Present:** Veenstra, Chair; Harper and Redwine.

**Members Absent:** Boettger, Vice Chair, and Hammond, Ranking Member (both excused).

**Committee Business:** Introductions, adoption of committee rules, and presentation by Legislative Fiscal Bureau.

**Adjourned:** 2:50 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 10, 2001, 2:00 p.m.

**Members Present:** Angelo, Chair; McKean, Vice Chair; Dvorsky, Ranking Member; Fraise and Maddox.

**Members Absent:** None.

**Committee Business:** Introductions, subcommittee rules adopted, and presentation by Legislative Fiscal Bureau.

**Adjourned:** 2:30 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** January 10, 2001, 1:58 p.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Deluhery, Ranking Member; Freeman and Shearer.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 2:15 p.m.

### **INTRODUCTION OF BILLS**

**Senate File 16**, by Boettger, a bill for an act relating to a Midwest interstate passenger rail compact.

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

**Senate File 17**, by McKean, a bill for an act relating to the primary election and providing an effective date and applicability date.

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

**Senate File 18**, by Miller, a bill for an act requiring contracts for the construction or maintenance of highways to include certain provisions for the restoration of areas in which fill dirt or other materials are to be removed.

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

**Senate File 19**, by Deluhery, a bill for an act exempting pension and retirement income for purposes of the state individual income tax and providing a retroactive applicability date.

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

**Senate File 20**, by McKibben, Schuerer, Bartz, Gaskill, Greiner, Freeman, Boettger, Rehberg, Redwine, Veenstra, Angelo, Iverson, Kramer, McKean, Behn, Jensen, Zieman, McKinley, Johnson, Drake, Redfern, Sexton, McLaren, Rittmer, Lamberti, Tinsman, Maddox, Miller, and Lundby, a bill for an act phasing out the tax on social security benefits under the state individual income tax and including a retroactive applicability date provision.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 5**

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

**Senate File 10**

AGRICULTURE: McLaren, Chair; Fraise and Greiner

**Senate File 12**

WAYS AND MEANS: Rehberg, Chair; Connolly and McKibben

**Senate File 14**

WAYS AND MEANS: Drake, Chair; Holveck and Maddox

# JOURNAL OF THE SENATE

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FOURTH CALENDAR DAY  
FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 11, 2001

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

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

The Journal of Wednesday, January 10, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Drake, for the day, on request of Senator McKean; Senator Lundby, until she arrives, on request of Senator Freeman; and Senator McLaren, until he arrives, on request of Senator Jensen.

## INTRODUCTION OF BILLS

**Senate File 21**, by Maddox and Tinsman, a bill for an act relating to child endangerment violations and injuries to a child and providing penalties.

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

**Senate File 22**, by Miller, a bill for an act relating to the imposition of an annual conservation and land preservation tax for agricultural property converted to residential or commercial use and providing penalties.

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

**Senate File 23**, by Miller, a bill for an act relating to substance abuse by pregnant women by providing for civil commitment of certain chronic substance abusers.

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

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:15 a.m. until 9:00 a.m. Friday, January 12, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 11, 2001

#### OFFICE OF DRUG CONTROL POLICY

Annual Report—Iowa's Drug Control Strategy 2001, pursuant to Iowa Code chapter 80E.1

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

FY 2000 Community Economic Betterment Account (CEBA) Annual Report.

#### DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program 2000 Annual Report, pursuant to Iowa Administrative Code, Chapter 321, Section 8.4(3)e.

#### DEPARTMENT OF MANAGEMENT

General Tort Claims, Highway Tort Claims, and Settlements and Judgments (paid during 2000) and denials of claims (from May 2000–January 2001) by the State Appeal Board, pursuant to Iowa Code section 669.12.

#### DEPARTMENT OF TRANSPORTATION

January 2001 Preliminary Report—Biodiesel Fuel Pilot Project, pursuant to 2000 Acts, chapter 1018, section 2.

### AGENCY ICN REPORT

#### DEPARTMENT OF COMMERCE

Iowa Communications Network (ICN) Usage for FY 2000, pursuant to Iowa Code section 8D.10.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

**Convened:** January 10, 2001, 1:58 p.m.

**Members Present:** Jensen, Chair; Lamberti, Vice Chair; Soukup, Ranking Member; and Connolly.

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

**Committee Business:** Introductions, adoption of committee rules, and presentation of the Governor's budget.

**Adjourned:** 2:30 p.m.

## APPROPRIATIONS

**Convened:** January 11, 2001, 1:00 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Jensen, King, Lundby, McKibben, Rehberg, Schuerer, Soukup, Tinsman, and Ziemann.

**Members Absent:** Black, Bolcom, Connolly, Horn, Redfern, and Veenstra (all excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 1:45 p.m.

## BUSINESS AND LABOR RELATIONS

**Convened:** January 11, 2001, 9:40 a.m.

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

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

**Committee Business:** Organizational meeting and adoption of Rule 39.

**Adjourned:** 9:50 a.m.

## EDUCATION

**Convened:** January 11, 2001, 9:45 a.m.

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

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 9:55 a.m.

**JUDICIARY**

**Convened:** January 11, 2001, 10:35 a.m.

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

**Members Absent:** None.

**Committee Business:** Adoption of committee rules.

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

**LOCAL GOVERNMENT**

**Convened:** January 11, 2001, 10:10 a.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Fraise, Gaskill, Hammond, Johnson, McCoy, McKibben, Schuerer, and Zieman.

**Members Absent:** Horn.

**Committee Business:** Organizational meeting, adoption of rules, and discussion of priorities for the session.

**Adjourned:** 10:30 a.m.

**STATE GOVERNMENT**

**Convened:** January 11, 2001, 10:06 a.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Fink, Hansen, McKean, Rittmer, and Sexton.

**Members Absent:** Drake, Maddox, and McLaren (all excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 10:33 a.m.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 1**, by Behn, a Senate resolution congratulating Mr. Thomas H. Paulsen for being named the Iowa Teacher of the Year for 2000.

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

## INTRODUCTION OF BILLS

**Senate File 24**, by Kibbie, a bill for an act relating to the per diem compensation for the trustees of sanitary districts.

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

**Senate File 25**, by Lamberti, a bill for an act relating to the assignment of child support to the department of human services for a child in need of assistance placed in the custody of the department.

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

**Senate File 26**, by Kibbie, a bill for an act increasing the speed limit on interstate and certain other highways.

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

**Senate File 27**, by Redwine, a bill for an act relating to the speed limit on interstate and fully controlled-access, divided, multilaned highways.

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

**Senate File 28**, by Maddox, a bill for an act relating to the provision under a group health insurance policy or health maintenance organization contract for compensation of podiatrists.

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

**Senate File 29**, by Freeman, a bill for an act relating to the repeal of the state inheritance tax and state qualified use inheritance tax.

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

**Senate File 30**, by Rehberg, Kramer, Iverson, McKean, Behn, Jensen, Zieman, McKinley, Johnson, Drake, Redfern, Schuerer, Greiner, King, Freeman, Boettger, Redwine, Veenstra, Angelo, Lamberti, Sexton, McLaren, Rittmer, Lundby, and Bartz, a bill for an act relating to information included in written promotional materials distributed by the department of economic development.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

**Senate File 31**, by Angelo, Schuerer, Zieman, Iverson, and Rehberg, a bill for an act relating to the limitation on property taxes for cities and counties and providing for the Act's applicability.

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

**Senate File 32**, by Rittmer, a bill for an act relating to the discontinuation of gambling operations after a referendum of disapproval and providing an effective date.

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

## STUDY BILL RECEIVED

### **SSB 1000      Rules and Administration**

To approve and confirm the appointment of the Citizens' Aide.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate Joint Resolution 1**

COMMERCE: Johnson, Chair; Gronstal and Redfern

#### **Senate File 6**

HUMAN RESOURCES: Redwine, Chair; Holveck and Veenstra

#### **Senate File 7**

LOCAL GOVERNMENT: Schuerer, Chair; Fraise and Zieman

**Senate File 19**

WAYS AND MEANS: Rehberg, Chair; Holveck and Miller

**Senate File 20**

WAYS AND MEANS: McKibben, Chair; Deluhery and McKinley

**Senate File 24**

LOCAL GOVERNMENT: Gaskill, Chair; Hammond and Zieman

**Senate File 30**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Rehberg,  
Chair; Flynn and McKinley

**SSB 1000**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

# JOURNAL OF THE SENATE

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FIFTH CALENDAR DAY  
FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, January 12, 2001

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

The Journal of Thursday, January 11, 2001, was approved.

## ADJOURNMENT

On motion of Senator Tinsman, the Senate adjourned at 9:08 a.m. until 1:00 p.m. Tuesday, January 16, 2001.

# JOURNAL OF THE SENATE

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NINTH CALENDAR DAY  
SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 16, 2001

The Senate met in regular session at 1:10 p.m., President Kramer presiding.

Prayer was offered by Pastor Dan Parsch of the Gloria Dei Lutheran Church in Urbandale, Iowa, as read by President Kramer.

The Journal of Friday, January 12, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, for the day, on request of Senator Gronstal; and Senator Veenstra, until he arrives, on request of Senator Angelo.

## RECESS

On motion of Senator Iverson, the Senate recessed at 1:17 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 1:21 p.m., President Kramer presiding.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 1, a Senate resolution congratulating Mr. Thomas H. Paulsen for being named the Iowa Teacher of the Year for 2000.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

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

**CONSIDERATION OF RESOLUTION**  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 1.

**Senate Resolution 1**

On motion of Senator Behn, **Senate Resolution 1**, a Senate resolution congratulating Mr. Thomas H. Paulsen for being named the Iowa Teacher of the Year for 2000, with report of committee recommending passage, was taken up for consideration.

Senator Behn moved the adoption of Senate Resolution 1, which motion prevailed by a voice vote.

**BILL REASSIGNED TO COMMITTEE**

Senator Iverson asked and received unanimous consent that **Senate File 22** be reassigned from the committee on Ways and Means to the committee on **Local Government**.

**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 1:33 p.m. until 9:00 a.m. Wednesday, January 17, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 12, 2001

#### BOARD OF EDUCATIONAL EXAMINERS

Pilot Testing Study Report, pursuant to 1999 Acts, House File 532.

#### BOARD OF REGENTS

Five-Year Capital Building Program for FY 2002–FY 2006, pursuant to Iowa Code section 262A.3.

#### IOWA HIGHER EDUCATION LOAN AUTHORITY

2000 Annual Report, pursuant to Iowa Code section 261A.21.

#### DEPARTMENT OF MANAGEMENT

Report concerning written recommendations to the General Assembly with respect to the manner in which the state's three data centers should be managed, pursuant to 2000 Acts, Senate File 2433.

#### DEPARTMENT OF PERSONNEL

*Just the Facts for 2000*, Iowa Executive Branch Workforce Almanac—November 2000.

#### DEPARTMENT OF PUBLIC DEFENSE

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

#### SUPREME COURT

Report concerning Enhanced Court Collections Fund and Court Technology Fund, pursuant to 2000 Acts, chapter 1227, section 1(1)(i).

January 16, 2001

#### IOWA COMMUNICATIONS NETWORK

Voice over Internet Protocol Report, pursuant to 2000 Acts, Senate File 2433.

## DEPARTMENT OF MANAGEMENT

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

## CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Adam Herrig, Dubuque — For achieving the rank of Eagle Scout. Senator Connolly (12/16/00).

## REPORTS OF COMMITTEE MEETINGS

## WAYS AND MEANS

**Convened:** January 11, 2001, 11:06 a.m.

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

**Members Absent:** Drake, Greiner, and Maddox (all excused).

**Committee Business:** Introductions, adoption of committee rules, and distribution of bill assignments.

**Adjourned:** 11:34 a.m.

## AGRICULTURE

**Convened:** January 16, 2001, 4:08 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1002 (Rule 40).

**Adjourned:** 4:26 p.m.

## LOCAL GOVERNMENT

**Convened:** January 16, 2001, 3:25 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Fraise, Gaskill, Hammond, Johnson, McCoy, McKibben, Schuerer, and Zieman.

**Members Absent:** Horn.

**Committee Business:** Presentation by Dallas County Zoning Administrator.

**Adjourned:** 4:05 p.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** January 16, 2001, 2:22 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

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

**Committee Business:** Presentation by the Parks, Recreation, and Preserves Division concerning destination parks and park restructuring.

**Adjourned:** 3:15 p.m.

#### RULES AND ADMINISTRATION

**Convened:** January 16, 2001, 1:18 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1000. Passed SCR 1 and SR 1.

**Adjourned:** 1:20 p.m.

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** January 16, 2001, 2:25 p.m.

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

**Members Absent:** Flynn and Veenstra (both excused).

**Committee Business:** Presentation by the Department of Economic Development.

**Adjourned:** 3:10 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 2**, by Fraise, a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

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

**Senate Concurrent Resolution 2**, by committee on Rules and Administration, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

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

**Senate Concurrent Resolution 3**, by Dvorsky and Bolkcom, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program and to direct the commission to develop designs incorporating the Old Capitol as a symbol for the state.

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

## STUDY BILLS RECEIVED

**SSB 1001      Judiciary**

Providing penalties for illegal gifts of cigarettes or tobacco products and for the exchange of related items.

**SSB 1002      Agriculture**

Requesting that the President of the United States, the Chief of Engineers and Commander of the United States Corps of Engineers, and the United States Congress take action necessary to provide a spring navigation target flow on the Missouri River that is consistent with the needs of landowners and the region's economy.

**SSB 1003      Business and Labor Relations**

Relating to workers' compensation.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 13**

BUSINESS AND LABOR RELATIONS: Behn, Chair; Fraise and Lundby

**Senate File 15**

AGRICULTURE: McLaren, Chair; Fraise and Greiner

**Senate File 17**

STATE GOVERNMENT: McKean, Chair; Fink and McLaren

**Senate File 21**

JUDICIARY: Tinsman, Chair; Hammond and Miller

**Senate File 29**

WAYS AND MEANS: Drake, Chair; Holveck and Maddox

**Senate File 32**

STATE GOVERNMENT: Rittmer, Chair; Kibbie and McKean

**SSB 1001**

JUDICIARY: Boettger, Chair; Horn and Lamberti

**SSB 1002**

AGRICULTURE: McLaren, Chair; Bartz and Kibbie

**SSB 1003**

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

**COMMITTEE REPORTS**

**RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 1, a concurrent resolution supporting the admission of the Baltic States of Estonia, Latvia, and Lithuania to the North Atlantic Treaty Organization.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 2 (SSB 1000), a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

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

# JOURNAL OF THE SENATE

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TENTH CALENDAR DAY  
SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 17, 2001

The Senate met in regular session at 9:09 a.m., President Pro Tempore McKean presiding.

Prayer was offered by Dr. J. Albert Calaway, pastor of the Heartland Assembly of God Church in Ankeny, Iowa, guest of Senator Lamberti.

The Journal of Tuesday, January 16, 2001, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 1.

### **Senate Concurrent Resolution 1**

On motion of Senator Kramer, **Senate Concurrent Resolution 1**, a concurrent resolution supporting the admission of the Baltic States of Estonia, Latvia, and Lithuania to the North Atlantic Treaty Organization, with report of committee recommending passage, was taken up for consideration.

Senator Kramer moved the adoption of Senate Concurrent Resolution 1, which motion prevailed by a voice vote.

## SPECIAL GUESTS

Senator Kramer welcomed Imants Kalnins and representatives from Estonia, Latvia, and Lithuania. The visitors were here to recognize and celebrate our passage of Senate Concurrent Resolution 1.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 1** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:25 a.m. until 9:00 a.m. Thursday, January 18, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

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

January 17, 2001

#### DEPARTMENT OF PUBLIC HEALTH

Iowa Child Death Review Team—December 2000, pursuant to Iowa Code, chapter 135.43.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** January 17, 2001, 9:45 a.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Hansen and Zieman.

**Members Absent:** Flynn, Ranking Member (excused).

**Committee Business:** Review of Governor's recommendations by Legislative Fiscal Bureau. Presentation by Director of Inspections and Appeals.

**Adjourned:** 11:10 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** January 17, 2001, 9:45 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Presentation by Legislative Fiscal Bureau and discussion of the Governor's FY 2002 budget.

**Adjourned:** 10:30 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 17, 2001, 9:40 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; and McKinley.

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

**Committee Business:** Overview of FY 2002 department requests and Governor's recommendations.

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

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 17, 2001, 9:40 a.m.

**Members Present:** Tinsman, Chair; Bolkcom, Ranking Member; Dearden and Rittmer.

**Members Absent:** Johnson, Vice Chair (excused).

**Committee Business:** Tour of the Department for the Blind facilities in Des Moines.

**Adjourned:** 11:05 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 17, 2001, 9:40 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Discussion of Department of Human Services appropriations budget.

**Adjourned:** 11:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 17, 2001, 9:41 a.m.

**Members Present:** Angelo, Chair; McKean, Vice Chair; Dvorsky, Ranking Member; Fraise and Maddox.

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Corrections.

**Adjourned:** 11:05 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** January 17, 2001, 10:00 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Freeman and Shearer.

**Members Absent:** Deluhery, Ranking Member (excused).

**Committee Business:** Presentation on budget by Legislative Fiscal Bureau.

**Adjourned:** 10:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 17, 2001, 9:35 a.m.

**Members Present:** Jensen, Chair; Lamberti, Vice Chair; Soukup, Ranking Member; Connolly and McKibben.

**Members Absent:** None.

**Committee Business:** Presentations by Department of Transportation.

**Adjourned:** 11:26 a.m.

**COMMERCE**

**Convened:** January 17, 2001, 3:05 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Freeman, Gronstal, Jensen, King, Lundby, Maddox, and Redwine.

**Members Absent:** Flynn, Hansen, McCoy, and Redfern (all excused).

**Committee Business:** Overview of upcoming meetings and speakers.

**Adjourned:** 3:15 p.m.

**EDUCATION**

**Convened:** January 17, 2001, 1:05 p.m.

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

**Members Absent:** Dvorsky, Fink, Kramer, and Soukup (all excused).

**Committee Business:** Presentation by Ted Stilwell, Director of the Department of Education.

**Adjourned:** 2:00 p.m.

## **HUMAN RESOURCES**

**Convened:** January 17, 2001, 2:10 p.m.

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

**Members Absent:** Tinsman, Vice Chair (excused).

**Committee Business:** Distribution of Legislative Guide to Family Investment Program and Food Stamp Program. Presentation by Kris Bell, Community Empowerment Facilitator.

**Adjourned:** 2:45 p.m.

## **TRANSPORTATION**

**Convened:** January 17, 2001, 2:08 p.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Ziemann.

**Members Absent:** None.

**Committee Business:** Approved subcommittee assignments. Presentation by the Department of Transportation on the Graduated Driver Licensing system.

**Adjourned:** 2:55 p.m.

## **INTRODUCTION OF RESOLUTION**

**Senate Concurrent Resolution 4**, by committee on Agriculture, a concurrent resolution requesting that the President of the United States, the Chief of Engineers and Commander of the United States Corps of Engineers, and the United States Congress take action necessary to provide a spring navigation target flow on the Missouri River that is consistent with the needs of landowners and the region's economy.

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

## INTRODUCTION OF BILLS

**Senate File 33**, by Lundby, a bill for an act relating to the licensure of used motor vehicle dealers and making penalties applicable.

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

**Senate File 34**, by Lamberti, a bill for an act relating to the awarding of joint physical care of children.

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

**Senate File 35**, by Johnson, a bill for an act providing for the Iowa state fair, by changing references from Iowa state fairgrounds to Iowa state fair park.

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

## STUDY BILLS RECEIVED

**SSB 1004      Judiciary**

Relating to civil rights investigations by expanding the subpoena and discovery authority of the civil rights commission and providing the attorney general investigative authority in civil rights cases.

**SSB 1005      Judiciary**

Relating to the verification of a uniform citation and complaint issued by a law enforcement agency.

**SSB 1006      Judiciary**

Relating to the mediation process in civil rights cases.

**SSB 1007      Judiciary**

Authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date.

**SSB 1008      Ways and Means**

Relating to the exemption during a certain period from the state sales and use taxes of the gross receipts from the sale, furnishing, or service of metered gas and fuel used for heating of residential-type dwelling and including an effective date.

**SSB 1009      Commerce**

Permitting state banks to establish additional bank offices, and containing effective dates.

**SSB 1010      Ethics**

Relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Seventy-ninth General Assembly.

**SSB 1011      Ethics**

Relating to the senate rules governing lobbyists and their interactions with the senate and members of the senate during the Seventy-ninth General Assembly.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 9**

TRANSPORTATION: Sexton, Chair; Fraise and Zieman

**Senate File 18**

TRANSPORTATION: Jensen, Chair; Drake and Kibbie

**Senate File 22**

LOCAL GOVERNMENT: Johnson, Chair; Bartz, Hammond, Hansen, and McKibben

**Senate File 26**

TRANSPORTATION: Rittmer, Chair; Drake and Kibbie

**Senate File 27**

TRANSPORTATION: Rittmer, Chair; Drake and Kibbie

**Senate File 28**

COMMERCE: Johnson, Chair; Deluhery and Maddox

**Senate File 31**

LOCAL GOVERNMENT: Bartz, Chair; Angelo, Fraise, Horn, and Schuerer

**SSB 1004**

JUDICIARY: Lamberti, Chair; Fiegen and King

**SSB 1005**

JUDICIARY: Angelo, Chair; Hansen and McKean

**SSB 1006**

JUDICIARY: King, Chair; Holveck and Miller

**SSB 1007**

JUDICIARY: McKean, Chair; Angelo and Fraise

**SSB 1008**

WAYS AND MEANS: McKibben, Chair; Harper and Redwine

**SSB 1009**

COMMERCE: Schuerer, Chair; Lundby and McCoy

**SSB 1010**

ETHICS: Drake, Chair; Kibbie and McKean

**SSB 1011**

ETHICS: Drake, Chair; Kibbie and McKean

## COMMITTEE REPORT

### AGRICULTURE

**Final Bill Action:** \*SENATE CONCURRENT RESOLUTION 4 (SSB 1002), a concurrent resolution requesting that the President of the United States, the Chief of Engineers and Commander of the United States Corps of Engineers, and the United States Congress take action necessary to provide a spring navigation target flow on the Missouri River that is consistent with the needs of landowners and the region's economy.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McLaren, Behn, Fraise, Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate Concurrent Resolution 4, and they were attached to the committee report.

# JOURNAL OF THE SENATE

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ELEVENTH CALENDAR DAY  
EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 18, 2001

The Senate met in regular session at 9:01 a.m., President Pro Tempore McKean presiding.

Prayer was offered by Pastor Darrel Mitchell of the Hope United Methodist Church in Marshalltown, Iowa, guest of Senator McKibben.

The Journal of Wednesday, January 17, 2001, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 17, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 43**, a bill for an act relating to the rulemaking authority of the natural resource commission regarding the taking and possession of migratory birds.

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

## ADJOURNMENT

On motion of Senator Maddox, the Senate adjourned at 9:11 a.m. until 1:00 p.m. Monday, January 22, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 18, 2001

#### UNIVERSITY OF IOWA COLLEGE OF MEDICINE

Report to the Legislature—An Overview of the Use of Home Telemedicine in the University of Iowa Hospitals and Clinic's Indigent Patient Care Program, pursuant to 2000 Acts, House File 2549.

#### AGENCY ICN REPORT

##### DEPARTMENT OF EDUCATION

Iowa Communications Network (ICN) Usage for FY 2000, pursuant to Iowa Code section 8D.10.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Lucia and Gasper Anania, Des Moines — For celebrating your 50th wedding anniversary. Senator McCoy (01/18/01).

John W. Colloton, Coralville — For recognition of 44 years of dedicated service at the University. Senator Dvorsky (01/18/01).

Adam M. Elliott, Des Moines — For achieving the rank of Eagle Scout. Senator McCoy (01/18/01).

Rebecca Kobos, Iowa City — For being named Iowa's Outstanding Elementary Art Educator for 2000–2001. Senator Dvorsky (01/18/01).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** January 18, 2001, 9:40 a.m.

**Members Present:** Schuerer, Chair, and Zieman.

**Members Absent:** Bartz, Vice Chair; Flynn, Ranking Member; and Hansen (all excused).

**Committee Business:** Presentations by the Office of the Secretary of State and the Department of Personnel.

**Adjourned:** 11:30 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 18, 2001, 9:40 a.m.

**Members Present:** Miller, Vice Chair; Fiegen, Ranking Member; Holveck and McKinley.

**Members Absent:** Behn, Chair (excused).

**Committee Business:** Discussed housing issues and recommendations.

**Adjourned:** 11:25 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** January 18, 2001, 9:37 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Review of Governor's budget by the Legislative Fiscal Bureau.

**Adjourned:** 10:12 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** January 18, 2001, 9:43 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Discussion of Department of Human Services contracting.

**Adjourned:** 11:59 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** January 18, 2001, 9:45 a.m.

**Members Present:** Angelo, Chair; Fraise and Maddox.

**Members Absent:** McKean, Vice Chair; and Dvorsky, Ranking Member.

**Committee Business:** Presentation by Eric Tabor, Attorney General's Office.

**Adjourned:** 10:45 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** January 18, 2001, 10:02 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Deluhery, Ranking Member; and Freeman.

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

**Committee Business:** Reviewed the executive summary of the FY 2001 appropriations bill.

**Adjourned:** 10:30 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 18, 2001, 9:35 a.m.

**Members Present:** Jensen, Chair; Lamberti, Vice Chair; Soukup, Ranking Member; Connolly and McKibben.

**Members Absent:** None.

**Committee Business:** Presentation by the Department of General Services and tour of the Department of Criminal Investigation crime laboratory.

**Adjourned:** 11:45 a.m.

#### **WAYS AND MEANS**

**Convened:** January 18, 2001, 2:04 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Greiner, Holveck, Maddox, Miller, and Redwine.

**Members Absent:** Connolly, Deluhery, Drake, Flynn, Lamberti, and Rehberg (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 2:10 p.m.

## INTRODUCTION OF BILLS

**Senate File 36**, by Johnson, a bill for an act relating to the immobilization of the motor vehicle of a child support obligor for failure to pay delinquent support.

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

**Senate File 37**, by Rehberg, a bill for an act relating to condemnation of private property and allowing a deduction from taxable income of certain condemnation awards and providing a retroactive applicability date.

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

**Senate File 38**, by Kibbie, a bill for an act relating to motor vehicle fuels, by providing for motor vehicle fuel standards, providing for the transportation, sale, and dispensing of motor fuels, providing for tax revenues, and making penalties applicable.

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

**Senate File 39**, by Boettger, a bill for an act providing for the development of a master Iowa communication network video schedule and calendar for school district use.

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

**Senate File 40**, by Rehberg, Schuerer, Behn, and King, a bill for an act exempting social security benefits from the state individual income tax and including a retroactive applicability date provision.

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

**Senate File 41**, by Rehberg, Behn, Zieman, McKinley, King, Freeman, Sexton, and Boettger, a bill for an act providing a child care

tax credit under the individual income tax for certain families and including a retroactive applicability date provision.

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

**Senate File 42**, by Maddox, a bill for an act creating a new criminal offense for trespassing on property that is under construction, and providing a penalty.

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

### STUDY BILLS RECEIVED

#### **SSB 1012      Ways and Means**

Relating to deductions under the individual income tax for dentists providing services and procedures for medical assistance patients and including effective and retroactive applicability date provisions.

#### **SSB 1013      Ways and Means**

Relating to the exemption during a certain period from the sales and use taxes of the gross receipts from the sale, furnishing, or service of metered gas and of fuel used in residential-type dwellings and including an effective date.

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 11**

HUMAN RESOURCES: Miller, Chair; Bartz and Harper

#### **Senate File 23**

HUMAN RESOURCES: Miller, Chair; Dvorsky and Schuerer

#### **SSB 1012**

WAYS AND MEANS: Redwine, Chair; Flynn and Maddox

#### **SSB 1013**

WAYS AND MEANS: McKibben, Chair; Harper and Redwine

# JOURNAL OF THE SENATE

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FIFTEENTH CALENDAR DAY  
NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 22, 2001

The Senate met in regular session at 1:17 p.m., President Kramer presiding.

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

The Journal of Thursday, January 18, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hammond, for the day, and Senator Holveck, until he arrives, on request of Senator Soukup; Senator Gaskill, for the day, on request of Senator Sexton; and Senator Johnson, until she arrives, on request of Senator Ziemann.

## SPECIAL GUEST

Senator Schuerer welcomed Gordon Kellenberger to the Senate Chamber. Mr. Kellenberger is a full-time artist in the village of High Amana and has been chosen to display eight paintings in the rotunda on the first floor of the Iowa Capitol from January 22 to February 2, 2001.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 17, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 3**, a concurrent resolution supporting the admission of the Baltic States of Estonia, Latvia, and Lithuania to the North Atlantic Treaty Organization.

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

#### INTRODUCTION OF BILL

**Senate File 43**, by Gronstal, a bill for an act requiring school districts to perform national and state criminal history background checks on applicants for certain school district employment.

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

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:55 p.m. until 9:00 a.m. Tuesday, January 23, 2001.

**APPENDIX**

**COMMUNICATIONS RECEIVED**

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

January 19, 2001

**DEPARTMENT OF EDUCATION**

School District Reorganization and Sharing Incentive Study, pursuant to 2000 Acts, House File 2198.

**DEPARTMENT OF HUMAN SERVICES**

Report to the Legislature concerning the most appropriate methodology and manner for payment for services provided by psychiatric medical institutions for children (PMICs), pursuant to 2000 Acts, Senate File 2435, section 15(19).

**SUPREME COURT**

Supreme Court Report on Mediation in Family Law Cases, pursuant to 2000 Acts, chapter 1159, section 3.

**AGENCY ICN REPORT**

**DEPARTMENT OF EDUCATION**

Iowa Communications Network (ICN) Usage for FY 2000 for the Division of Vocational Rehabilitation Services, pursuant to Iowa Code section 8D.10.

January 22, 2001

**DEPARTMENT OF HUMAN SERVICES**

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

**REPORTS OF COMMITTEE MEETINGS**

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 18, 2001, 9:40 a.m.

**Members Present:** Tinsman, Chair; Bolkom, Ranking Member; Dearden and Rittmer.

**Members Absent:** Johnson, Vice Chair (excused).

**Committee Business:** Budgets for Civil Rights Commission, Department of Public Health, and Department of Elder Affairs were presented.

**Adjourned:** 11:22 a.m.

## EDUCATION

**Convened:** January 22, 2001, 2:00 p.m.

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

**Members Absent:** Dvorsky, Harper, and Kramer (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 2:03 p.m.

## INTRODUCTION OF BILLS

**Senate File 44**, by Rehberg, a bill for an act relating to birth injury prevention research and education, and making an appropriation.

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

**Senate File 45**, by Fink, a bill for an act relating to requirements for the employment of a curriculum director.

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

**Senate File 46**, by Rehberg, a bill for an act relating to an increase in the amount reimbursed by the state for loss of property taxes due to the allowance of the military service tax exemption and including effective and applicability dates.

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

**Senate File 47**, by Lundby, a bill for an act relating to the granting of additional cable television franchises by a city.

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

**Senate File 48**, by Rehberg, King, Angelo, Schuerer, and Veenstra, a bill for an act making an appropriation and allocating moneys to school districts to pay for the costs of making technology available to students attending accredited nonpublic schools.

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

**Senate File 49**, by Rehberg, Boettger, Schuerer, and Veenstra, a bill for an act providing for the establishment of a brachial plexus injury consultation program.

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

**Senate File 50**, by Johnson, a bill for an act prohibiting the sale or distribution of purple loosestrife.

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

**Senate File 51**, by Kibbie, a bill for an act requiring that a person who owns or controls animals under a production contract is liable for civil penalties arising out of violations of the terms and conditions of a manure management plan submitted by the owner of a confinement feeding operation in which the animals are fed.

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

## STUDY BILLS RECEIVED

**SSB 1014      Appropriations**

Providing supplemental funding for the low-income home energy assistance program for the fiscal year beginning July 1, 2000, and providing an effective date.

**SSB 1015      Human Resources**

Relating to the rules regarding the authentication of medication orders.

**SSB 1016      Human Resources**

Relating to coverage of podiatric physician services under the medical assistance program.

**SSB 1017      Human Resources**

Relating to hospital and birth center licensure, including licensing fees, and providing an effective date.

**SSB 1018      Human Resources**

Relating to the standards utilized by birth centers.

**SSB 1019      Human Resources**

Relating to reimbursement of retailers participating in the electronic benefits transfer program through the department of human services.

**SSB 1020      Human Resources**

Relating to the billing and accounting of charges for the state resource centers and mental health institutes administered by the department of human services.

**SSB 1021      Human Resources**

Relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision.

**SSB 1022      Education**

Relating to the administration and care of the Iowa battle flag collection.

**SSB 1023      Human Resources**

Relating to the composition of the medical assistance advisory council.

**SSB 1024      Judiciary**

Relating to the statute of limitations in civil actions arising out of the unsafe or defective condition of an improvement to real property.

**SSB 1025      Judiciary**

Providing penalties for the illegal giving away of cigarettes or tobacco products and for the exchange of related items.

**SSB 1026      Judiciary**

Creating a new criminal offense of escape from custody by a sexually violent predator civilly committed to confinement and providing a penalty.

**SSB 1027      Natural Resources and Environment**

Relating to the taking of fish and game by increasing fees for hunting, fishing, harvesting, and related licenses, authorizing the natural resource commission to adjust future license fees, providing for other properly related matters, and providing effective and applicability dates.

**SSB 1028      Natural Resources and Environment**

Relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means.

**SSB 1029      Natural Resources and Environment**

Relating to membership in an interstate wildlife violators compact by the department of natural resources.

**SSB 1030      Natural Resources and Environment**

Relating to hunting by allocating nonresident turkey and deer hunting licenses, providing for deer population management plans, and including other properly related matters.

**SSB 1031      Agriculture**

Relating to industrial hemp, by providing for its production, harvesting, and marketing, and providing penalties.

**SSB 1032      Agriculture**

Relating to the processing and distribution of honey in residences.

**SSB 1033      Commerce**

Adding document preparation and modification to the list of acts defining the activities of a real estate broker.

**SUBCOMMITTEE ASSIGNMENTS****Senate Joint Resolution 2**

STATE GOVERNMENT: Sexton, Chair; Fink and Maddox

**Senate File 16**

TRANSPORTATION: Rittmer, Chair; Drake and McCoy

**Senate File 35**

STATE GOVERNMENT: Jensen, Chair; Fink and King

**Senate File 38**

AGRICULTURE: Bartz, Chair; Gaskill and Kibbie

**Senate File 39**

EDUCATION: Connolly, Chair; Angelo, Rehberg, Soukup, and Veenstra

**Senate File 50**

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

**House File 43**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Kibbie and Sexton

**SSB 1014**

APPROPRIATIONS: Tinsman, Chair; Bolkcom and Lamberti

**SSB 1015**

HUMAN RESOURCES: Schuerer, Chair; Bartz and Harper

**SSB 1016**

HUMAN RESOURCES: Behn, Chair; Boettger and Dvorsky

**SSB 1017**

HUMAN RESOURCES: Miller, Chair; Behn and Hammond

**SSB 1018**

HUMAN RESOURCES: Bartz, Chair; Boettger and Shearer

**SSB 1019**

HUMAN RESOURCES: Schuerer, Chair; Harper and Miller

**SSB 1020**

HUMAN RESOURCES: Dvorsky, Chair; Bartz and Veenstra

**SSB 1021**

HUMAN RESOURCES: Tinsman, Chair; Harper and Miller

**SSB 1022**

EDUCATION: McKinley, Chair; Dvorsky and Redfern

**SSB 1023**

HUMAN RESOURCES: Holveck, Chair; Boettger and Schuerer

**SSB 1024**

JUDICIARY: Maddox, Chair; Fiegen and Miller

**SSB 1025**

JUDICIARY: Boettger, Chair; Horn and Lamberti

**SSB 1026**

JUDICIARY: Redfern, Chair; Angelo and Hansen

**SSB 1027**

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

**SSB 1028**

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

**SSB 1029**

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Dearden and Sexton

**SSB 1030**

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

**SSB 1031**

AGRICULTURE: Zieman, Chair; Bartz and Kibbie

**SSB 1032**

AGRICULTURE: Zieman, Chair; Behn and Fraise

**SSB 1033**

COMMERCE: Schuerer, Chair; Lundby and McCoy

# JOURNAL OF THE SENATE

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SIXTEENTH CALENDAR DAY  
TENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 23, 2001

The Senate met in regular session at 9:02 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Ron Bryan, pastor of the Le Grand Friends Church in Le Grand, Iowa, guest of Senator McKibben.

The Journal of Monday, January 22, 2001, was approved.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:17 a.m. until 9:00 a.m. Wednesday, January 24, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 23, 2001

#### DEPARTMENT OF HUMAN SERVICES

Report to the Legislature on child care reimbursement alternatives, pursuant to 2000 Acts, Senate File 2344, section 17.

#### DEPARTMENT OF PUBLIC HEALTH

2000 Iowa Domestic Abuse Death Review Team Annual Report, pursuant to Iowa Code section 135.10(1).

#### STATE PSEUDORABIES ADVISORY COMMITTEE

Official 2001 Report on Calendar Year 2000 Activities—January 15, 2001.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Matthew Lechtenberg, Ossian — For achieving the rank of Eagle Scout. Senator Zieman (01/23/01).

Brian S. McVey, Fort Madison — For achieving the rank of Eagle Scout. Senator Fraise (01/23/01).

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** January 22, 2001, 3:40 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine.

**Members Absent:** None.

**Committee Business:** Presentation by Allan Thoms, Chair of the Iowa Utility Board.

**Adjourned:** 4:40 p.m.

## **HUMAN RESOURCES**

**Convened:** January 22, 2001, 2:39 p.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, and Veenstra.

**Members Absent:** Hammond, Ranking Member, and Shearer (both excused).

**Committee Business:** Presentation by Jessie Rasmussen, Director of the Department of Human Services.

**Adjourned:** 3:32 p.m.

## **WAYS AND MEANS**

**Convened:** January 22, 2001, 6:14 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1013 and passed SF 20.

**Adjourned:** 7:05 p.m.

## **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** January 23, 2001, 9:28 a.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Flynn, Ranking Member; Hansen and Ziemann.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of General Services and the Department of Revenue and Finance.

**Adjourned:** 11:39 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** January 23, 2001, 9:39 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Update on the status of pseudorabies and a brief discussion of John's disease by State Veterinarian, Dr. John Schiltz.

**Adjourned:** 10:11 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 23, 2001, 9:34 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; Holveck and McKinley.

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Economic Development on the New Economy Fund for Iowa.

**Adjourned:** 11:15 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** January 23, 2001, 9:36 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Kibbie and McLaren.

**Members Absent:** None.

**Committee Business:** Presentation by Sharman Smith, State Librarian, on Open Access, Access Plus, and Enrich Iowa. Presentation by the Cass/Mills/Montgomery Empowerment Agency.

**Recessed:** 10:35 a.m.

**Reconvened:** 10:41 a.m.

**Adjourned:** 11:20 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** January 23, 2001, 9:36 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; Dearden and Rittmer.

**Members Absent:** None.

**Committee Business:** Budgets presented for Department of Public Health and Veterans' Affairs.

**Adjourned:** 11:38 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 23, 2001, 9:45 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Update by Kris Bell, Empowerment Coordinator, and presentation on Fatherhood Initiative.

**Adjourned:** 11:59 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 23, 2001, 9:37 a.m.

**Members Present:** Angelo, Chair; Dvorsky, Ranking Member; Fraise and Maddox.

**Members Absent:** McKean, Vice Chair.

**Committee Business:** Presentation by Department of Public Safety.

**Adjourned:** 11:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 23, 2001, 9:35 a.m.

**Members Present:** Jensen, Chair; Soukup, Ranking Member; Connolly and McKibben.

**Members Absent:** Lamberti, Vice Chair (excused).

**Committee Business:** Presentation of FY 2002 Governor's recommendations by the Legislative Fiscal Bureau.

**Adjourned:** 10:37 a.m.

#### **AGRICULTURE**

**Convened:** January 23, 2001, 8:08 a.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Veenstra, and Zieman.

**Members Absent:** Black and Soukup.

**Committee Business:** Approved SSBs 1031 and 1032.

**Adjourned:** 8:58 a.m.

## APPROPRIATIONS

**Convened:** January 23, 2001, 5:10 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

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

**Committee Business:** Approved SSB 1014 (as amended) and passed SF 8 (as amended).

**Adjourned:** 6:00 p.m.

## BUSINESS AND LABOR RELATIONS

**Convened:** January 23, 2001, 1:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Subcommittee assignments.

**Adjourned:** 1:50 p.m.

## EDUCATION

**Convened:** January 23, 2001, 12:35 p.m.

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

**Members Absent:** None.

**Committee Business:** Panel discussion on teacher preparation program.

**Adjourned:** 2:00 p.m.

## JUDICIARY

**Convened:** January 23, 2001, 3:05 p.m.

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

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

**Committee Business:** Passed SF 21.

**Adjourned:** 3:21 p.m.

#### LOCAL GOVERNMENT

**Convened:** January 23, 2001, 2:05 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Fraise, Gaskill, Hammond, Johnson, McCoy, McKibben, Schuerer, and Zieman.

**Members Absent:** Horn.

**Committee Business:** Presentation on land use by Stuart Huntington, ISU.

**Adjourned:** 2:55 p.m.

#### STATE GOVERNMENT

**Convened:** January 23, 2001, 2:13 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

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

**Committee Business:** Passed SF 32.

**Adjourned:** 2:40 p.m.

#### INTRODUCTION OF RESOLUTION

**Senate Resolution 2**, by McKean, a Senate resolution honoring Grand Ole Opry singer Wilma Lee Cooper.

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

## INTRODUCTION OF BILLS

**Senate File 52**, by King, a bill for an act increasing the dependent credit under the individual income tax and including a retroactive applicability date provision.

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

**Senate File 53**, by Bolckcom, Fink, and Lundby, a bill for an act requiring Iowa national pollutant discharge elimination system program permit holders to post signs at discharge points and providing a penalty.

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

**Senate File 54**, by Dearden, a bill for an act establishing an age ceiling for hiring fire fighters and peace officers.

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

**Senate File 55**, by Angelo, a bill for an act relating to the disclosure of ownership of a funeral or cremation establishment.

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

**Senate File 56**, by Rehberg, a bill for an act relating to the treatment of corporate dividends under the corporate income and franchise taxes and including a retroactive applicability date provision.

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

**Senate File 57**, by Jensen, a bill for an act relating to approval of city ordinances granting certain utility franchises.

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

**Senate File 58**, by committee on Ways and Means, a bill for an act relating to the exemption from the sales and use taxes of the gross receipts from the sale, furnishing, or service of metered gas and of fuel used in residential-type dwellings and including an effective date.

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

**Senate File 59**, by committee on Ways and Means, a bill for an act phasing out the tax on social security benefits under the state individual income tax and including a retroactive applicability date provision.

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

**Senate File 60**, by Maddox, a bill for an act relating to the mandatory certification of real estate appraisers and providing exceptions.

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

**Senate File 61**, by committee on Agriculture, a bill for an act relating to industrial hemp, by providing for its production, harvesting, and marketing, and providing penalties.

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

**Senate File 62**, by committee on Agriculture, a bill for an act relating to the processing and distribution of honey in residences.

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

**Senate File 63**, by committee on Judiciary, a bill for an act relating to child endangerment violations and injuries to a child and providing penalties.

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

**Senate File 64**, by Kibbie, a bill for an act relating to confinement feeding operations by providing for the siting of certain operations, imposing requirements relating to construction permits, and making penalties applicable.

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

**Senate File 65**, by committee on Appropriations, a bill for an act providing supplemental funding for the low-income home energy assistance program for the fiscal year beginning July 1, 2000, and providing an effective date.

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

**Senate File 66**, by committee on Appropriations, a bill for an act relating to state general fund expenditure limitation requirements for transmission of the state budget by the governor and passage of the state budget by the general assembly.

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

#### STUDY BILLS RECEIVED

##### **SSB 1034      Judiciary**

Relating to a person eighteen years of age or older within the jurisdiction of the juvenile court.

##### **SSB 1035      Judiciary**

Relating to the disclosure of certain information by persons engaged in the selling or leasing of goods or services via the internet.

**SSB 1036      Judiciary**

Applying child in need of assistance and child abuse provisions to a child in whose presence a controlled substance has been manufactured or possessed by the child's parent, guardian, or custodian.

**SSB 1037      Judiciary**

Relating to limitations on filing medical assistance claims against a decedent's estate.

**SSB 1038      Judiciary**

Relating to insurance fraud by false statement or representation of a material fact and making a penalty applicable.

**SSB 1039      Ways and Means**

Relating to the allocation to Iowa of income earned by an S corporation, for purposes of the state individual income tax, and including a retroactive applicability date provision.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 37**

LOCAL GOVERNMENT: Angelo, Chair; McCoy and Zieman

**Senate File 40**

WAYS AND MEANS: McKinley, Chair; Deluhery and Maddox

**Senate File 41**

WAYS AND MEANS: Lamberti, Chair; Flynn and Greiner

**Senate File 44**

APPROPRIATIONS: Angelo, Chair; Horn and Kramer

**Senate File 46**

WAYS AND MEANS: McKinley, Chair; Bolcom and Greiner

**Senate File 52**

WAYS AND MEANS: Greiner, Chair; Connolly and Lamberti

**Senate File 56**

WAYS AND MEANS: Miller, Chair; Bolkcom and Lamberti

**SSB 1022**  
(Reassignment)

EDUCATION: McKinley, Chair; Dvorsky and Redwine

**SSB 1034**

JUDICIARY: Miller, Chair; Hammond and Redfern

**SSB 1035**

JUDICIARY: Angelo, Chair; Fraise and King

**SSB 1036**

JUDICIARY: Miller, Chair; Hammond and Tinsman

**SSB 1037**

JUDICIARY: Redfern, Chair; Hansen and King

**SSB 1038**

JUDICIARY: McKean, Chair; Angelo and Holveck

**SSB 1039**

WAYS AND MEANS: McKinley, Chair; Deluhery and McKibben

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** \*SENATE FILE 61 (SSB 1031), a bill for an act relating to industrial hemp, by providing for its production, harvesting, and marketing, and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Kibbie, Sexton, Shearer, Veenstra, and Zieman. Nays, 1: Greiner. Absent or not voting, 2: Black and Soukup.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 61, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 62 (SSB 1032), a bill for an act relating to the processing and distribution of honey in residences.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Shearer, Veenstra, and Zieman. Nays, 1: Sexton. Absent or not voting, 2: Black and Soukup.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 62, and they were attached to the committee report.

**APPROPRIATIONS**

**Final Bill Action:** \*SENATE FILE 65 (SSB 1014), a bill for an act providing supplemental funding for the low-income home energy assistance program for the fiscal year beginning July 1, 2000, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 24: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Fiegen.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 65, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 66 (formerly SF 8), a bill for an act relating to state general fund expenditure limitation requirements for transmission of the state budget by the governor and passage of the state budget by the general assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 24: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Gaskill, Hammond, Horn, Jensen, King, Lundby,

McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Fiegen.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 66, and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** SENATE FILE 63 (formerly SF 21), a bill for an act relating to child endangerment violations and injuries to a child and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Fiegen.

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

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 32, a bill for an act relating to the discontinuation of gambling operations after a referendum of disapproval and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: Connolly.

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

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 58 (SSB 1013), a bill for an act relating to the exemption from the sales and use taxes of the gross receipts from the sale, furnishing, or service of metered gas and of fuel used in residential-type dwellings and including an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

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

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 59 (formerly SF 20), a bill for an act phasing out the tax on social security benefits under the state individual income tax and including a retroactive applicability date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McKibben, McKinley, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 3: Harper, Bolkcom, and Connolly. Absent or not voting, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

# JOURNAL OF THE SENATE

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SEVENTEENTH CALENDAR DAY  
ELEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 24, 2001

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

Prayer was offered by the Reverend Donna Joseph, pastor of the Unity Lutheran Church in Des Moines, Iowa, guest of Senator Dearden.

The Journal of Tuesday, January 23, 2001, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:16 a.m. until 5:15 p.m.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 24, 2001

#### IOWA UTILITIES BOARD

Report on a study of issues relating to railroad rights-of-way crossings by utilities, pursuant to 2000 Acts, Senate Concurrent Resolution 119.

#### DEPARTMENT OF PUBLIC SAFETY

1999 Rate Comparisons (an excerpt from the FBI's national publication entitled *Crime in the United States: 1999*).

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jeff Derner, Milford — For achieving the rank of Eagle Scout. Senator Kibbie (01/24/01).

Matthew Lockey, Milford — For achieving the rank of Eagle Scout. Senator Kibbie (01/24/01).

Rhonda Millhollin, Corning — For being commissioned to create the "Iowa Oak Leaf Bowl." Senator Angelo (01/18/01).

Matt Sewell, Milford — For achieving the rank of Eagle Scout. Senator Kibbie (01/24/01).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** January 24, 2001, 10:18 a.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Flynn, Ranking Member; Hansen and Ziemann.

**Members Absent:** None.

**Committee Business:** Presentations by the Office of the Governor, Auditor of State, Department of Management, and Ethics Campaign Disclosure Board.

**Adjourned:** 11:34 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** January 24, 2001, 10:12 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Discussed the destination park proposal and the reorganization of the state parks.

**Adjourned:** 11:17 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 24, 2001, 10:20 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; Holveck and McKinley.

**Members Absent:** None.

**Committee Business:** Discussed FY 2000 Community Attractions and Tourism Program and tourism issues.

**Adjourned:** 11:10 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 24, 2001, 10:20 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Kibbie and McLaren.

**Members Absent:** None.

**Committee Business:** Presentation on the College Student Aid Commission.

**Adjourned:** 11:25 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 24, 2001, 10:20 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Presentations and discussion concerning the extension of the contract between the Department of Human Services and Merit Behavior Care of Iowa.

**Adjourned:** 11:54 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 24, 2001, 10:15 a.m.

**Members Present:** Angelo, Chair; Fraise and Maddox.

**Members Absent:** McKean, Vice Chair; and Dvorsky, Ranking Member.

**Committee Business:** Presentation by Commissioner Westfall, Department of Public Safety.

**Adjourned:** 11:33 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** January 24, 2001, 10:12 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Deluhery, Ranking Member; Freeman and Shearer.

**Members Absent:** None.

**Committee Business:** Presentation of Information Technology Department budget.

**Adjourned:** 11:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 24, 2001, 10:15 a.m.

**Members Present:** Jensen, Chair; Soukup, Ranking Member; Connolly and McKibben.

**Members Absent:** Lamberti, Vice Chair (excused).

**Committee Business:** Presentation by Department of Corrections.

**Adjourned:** 11:24 a.m.

**ETHICS**

**Convened:** January 24, 2001, 3:07 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 1010 and 1011.

**Adjourned:** 3:20 p.m.

**HUMAN RESOURCES**

**Convened:** January 24, 2001, 2:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Presentation on the Childhood Lead Poisoning Prevention Program by the Department of Public Health.

**Adjourned:** 3:00 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** January 24, 2001, 1:10 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Update on air quality and open burning ban by Division Administrator of the Environmental Protection Division. Passed HF 43.

**Adjourned:** 2:01 p.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** January 24, 2001, 1:05 p.m.

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

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

**Committee Business:** Passed SF 30.

**Adjourned:** 1:20 p.m.

## INTRODUCTION OF BILLS

**Senate File 67**, by Johnson, a bill for an act prohibiting the installation, distribution, or sale of nonoperative air bags and providing a penalty.

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

**Senate File 68**, by Lamberti, a bill for an act relating to forcible entry and detainer actions in small claims court following a default on a contract for deed and when a defendant continues in possession after foreclosure.

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

**Senate File 69**, by Hammond, Dearden, Harper, and Bolckom, a bill for an act requiring rest and lunch breaks during work for certain employees and providing penalties.

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

**Senate File 70**, by Kramer, Freeman, McCoy, McLaren, Johnson, Bolckom, and Boettger, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

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

**Senate File 71**, by Drake, a bill for an act relating to motor vehicle registration fees for certain vehicles and providing an effective date.

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

**Senate File 72**, by Gronstal, a bill for an act relating to the residency requirements for city civil service employees.

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

#### STUDY BILLS RECEIVED

**SSB 1040      Business and Labor Relations**

Extending the community college vocational-technical technology improvement program, and making an appropriation.

**SSB 1041      Ways and Means**

Relating to the taxation of garages and other appurtenances located on mobile home sites.

**SSB 1042      Ways and Means**

Relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty.

**SSB 1043      Small Business, Economic Development, and Tourism**

Relating to life science products, and providing an effective date.

**SSB 1044      Small Business, Economic Development, and Tourism**

Amending the strategic planning duties of the Iowa economic development board.

**SSB 1045      Transportation**

Relating to grants of permission for the laying of certain utility mains in, under, or along highways.

**SSB 1046      Transportation**

Making corrective transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, child restraint devices in motor vehicles, unsatisfied judgments, and bulk liquid transport.

**SSB 1047      Transportation**

Relating to transportation, including provisions on road construction and maintenance projects, vehicle sales, movement, and reports, and mailing of notices.

**SSB 1048      Agriculture**

Relating to contamination by certain genetically modified grain crops, providing for liability, and making penalties applicable.

**SSB 1049      Ways and Means**

Updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, lowering the threshold amount for making estimated payments for corporations and financial institutions, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 33**

TRANSPORTATION: Zieman, Chair; Fraise and McLaren

**Senate File 47**

COMMERCE: Lundby, Chair; Bolkcom and Schuerer

**Senate File 51**

AGRICULTURE: Bartz, Chair; Kibbie and Sexton

**Senate File 53**

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

**Senate File 57**

LOCAL GOVERNMENT: Gaskill, Chair; Hansen and Zieman

**Senate File 64**

AGRICULTURE: McLaren, Chair; Greiner and Shearer

**SSB 1040**

BUSINESS AND LABOR RELATIONS: Lundby, Chair; Greiner and Hammond

**SSB 1041**

WAYS AND MEANS: McKibben, Chair; Deluhery and Miller

**SSB 1042**

WAYS AND MEANS: Drake, Chair; Harper and Rehberg

**SSB 1043**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Lamberti,  
Chair; Dvorsky and Zieman

**SSB 1044**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Behn, Chair;  
Gaskill and Holveck

**SSB 1045**

TRANSPORTATION: McKinley, Chair; McCoy and Zieman

**SSB 1046**

TRANSPORTATION: Rittmer, Chair; Kibbie and Sexton

**SSB 1047**

TRANSPORTATION: Drake, Chair; Jensen and McCoy

**SSB 1048**

AGRICULTURE: McLaren, Chair; Gaskill and Kibbie

**SSB 1049**

WAYS AND MEANS: Deluhery, Chair; McKinley and Rehberg

## AFTERNOON SESSION

The Senate reconvened at 5:15 p.m., President Kramer presiding.

## QUORUM CALL

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

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

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 24, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 1**, a bill for an act relating to the exemption during a certain period from the sales and use taxes of the gross receipts from the sale, furnishing, or service of metered gas and of fuel used in residential-type dwellings and including an effective date.

Read first time and attached to **similar Senate File 58**.

The Senate stood at ease at 5:18 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:03 p.m., President Kramer presiding.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 65.

## Senate File 65

On motion of Senator Tinsman, **Senate File 65**, a bill for an act providing supplemental funding for the low-income home energy assistance program for the fiscal year beginning July 1, 2000, and providing an effective date, was taken up for consideration.

Senator Flynn offered amendment S-3004, filed by Senator Flynn, et al., from the floor to pages 1-3 and to the title page of the bill.

Senator Flynn moved the adoption of amendment S-3004 and requested a record roll call.

On the question "Shall amendment S-3004 be adopted?" (S.F. 65), the vote was:

Ayes, 20:

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

Nays, 30:

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

Absent or not voting, none.

Amendment S-3004 lost.

Senator Shearer offered amendment S-3003, filed by Senator Shearer, et al., from the floor to page 3 of the bill, and called for the following division:

Division S-3003A: Lines 2-16.

Division S-3003B: Lines 17-26.

Senator Shearer moved the adoption of division S-3003A and requested a record roll call.

On the question "Shall division S-3003A be adopted?" (S.F. 65), the vote was:

Ayes, 20:

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

Nays, 30:

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

Absent or not voting, none.

Division S-3003A lost.

Senator Shearer moved the adoption of division S-3003B and requested a record roll call.

On the question "Shall division S-3003B be adopted?" (S.F. 65), the vote was:

Ayes, 20:

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

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox

McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Division S-3003B lost.

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

On the question "Shall the bill pass?" (S.F. 65), the vote was:

Ayes, 30:

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

Nays, 20:

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

Absent or not voting, none.

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 65** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:25 p.m. until 9:00 a.m. Thursday, January 25, 2001.

## APPENDIX

### SIMILAR BILL RECEIVED

On January 24, 2001, **House File 1** was received and attached to similar **Senate File 58** on the Senate calendar.

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** January 24, 2001, 4:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1048.

**Adjourned:** 4:25 p.m.

#### COMMERCE

**Convened:** January 24, 2001, 3:10 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Maddox, Redfern, and Redwine.

**Members Absent:** Lundby and McCoy (both excused).

**Committee Business:** Passed SJR 1. Presentations by the Superintendent of Credit Unions and the Insurance Commissioner.

**Adjourned:** 4:05 p.m.

#### RULES AND ADMINISTRATION

**Convened:** January 24, 2001, 5:05 p.m.

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

**Members Absent:** Fink, Johnson, and Rittmer (all excused).

**Committee Business:** Passed SR 2 and passed Senate pay resolution.

**Adjourned:** 5:09 p.m.

**STATE GOVERNMENT**

**Convened:** January 24, 2001, 11:38 a.m.

**Members Present:** King, Chair; Kibbie, Ranking Member; Bolkom, Dearden, Deluhery, Drake, Fink, Jensen, McKean, and Sexton.

**Members Absent:** Lamberti, Vice Chair; Connolly, Maddox, McLaren, and Rittmer (all excused).

**Committee Business:** Presentations and discussion on election laws.

**Adjourned:** 12:55 p.m.

**TRANSPORTATION**

**Convened:** January 24, 2001, 2:10 p.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Zieman.

**Members Absent:** McCoy, Ranking Member (excused).

**Committee Business:** Presentation by Mark Wandro on Department of Transportation projects and activities.

**Adjourned:** 3:00 p.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Concurrent Resolution 5**, by committee on Rules and Administration, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-ninth general assembly.

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

**Senate Resolution 3**, by committee on Ethics, a Senate resolution relating to the senate rules governing lobbyists and their interactions with the senate and members of the senate during the seventy-ninth general assembly.

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

## INTRODUCTION OF BILLS

**Senate File 73**, by Angelo, Johnson, and McKinley, a bill for an act relating to the annual appropriation for livestock production tax credit claims.

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

**Senate File 74**, by Kibbie, a bill for an act relating to the collection and use of tonnage fees for the disposal of solid waste, and providing an effective date.

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

**Senate File 75**, by Redfern, a bill for an act exempting the provision of environmental laboratory services from state sales and use taxes.

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

**Senate File 76**, by Rittmer, a bill for an act relating to a time trade of work hours to allow a fire fighter to become an officer in a chartered statewide organization or local association for fire department personnel and providing an effective date.

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

## COMMITTEE REPORTS

### COMMERCE

**Final Bill Action:** SENATE JOINT RESOLUTION 1, a joint resolution to nullify an administrative rule of the department of commerce, alcoholic beverages division, relating to activities that do not constitute an interest in ownership, conduct, or operation of a retailer by an alcoholic beverage industry member, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Johnson, Schuerer, Deluhery, Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Maddox, Redfern, and Redwine. Nays, none. Absent or not voting, 3: Flynn, Lundby, and McCoy.

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

## **ETHICS**

**Final Bill Action:** SENATE RESOLUTION 3 (SSB 1011), a Senate resolution relating to the senate rules governing lobbyists and their interactions with the senate and members of the senate during the seventy-ninth general assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 6: Drake, McKean, Kibbie, Connolly, Dearden, and Rittmer. Nays, none. Absent or not voting, none.

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

## **NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** HOUSE FILE 43, a bill for an act relating to the rulemaking authority of the natural resource commission regarding the taking and possession of migratory birds.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sexton, Bartz, Dearden, Deluhery, Johnson, Kibbie, McLaren, Miller, and Rittmer. Nays, 6: Fink, Black, Bolkcom, Drake, Freeman, and Lundby. Absent or not voting, none.

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

## **RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 5, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-ninth general assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 2, a Senate resolution honoring Grand Ole Opry singer Wilma Lee Cooper.

**Recommendation:** DO PASS.

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

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

### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Final Bill Action:** SENATE FILE 30, a bill for an act relating to information included in written promotional materials distributed by the department of economic development.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rehberg, Zieman, Behn, Gaskill, Greiner, Lamberti, McKinley, and Veenstra. Nays, 4: Shearer, Fiegen, Flynn, and Holveck. Absent or not voting, 1: Dvorsky.

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

### AMENDMENTS FILED

S-3001	S.F.	58	Larry McKibben
S-3002	H.F.	1	Larry McKibben Mike Connolly Jeff Lamberti
S-3003	S.F.	65	Mark Shearer Thomas Fiegen Jack Holveck Tom Flynn Patrick J. Deluhery Joe Bolkcom Mike Connolly Steven D. Hansen Bill Fink Patricia Harper Robert E. Dvorsky Johnie Hammond Michael E. Gronstal Betty A. Soukup
S-3004	S.F.	65	Tom Flynn Patrick J. Deluhery Joe Bolkcom Bill Fink Mike Connolly Patricia Harper

Robert E. Dvorsky  
Johnie Hammond  
Michael E. Gronstal  
Dennis H. Black  
John P. Kibbie  
Mark Shearer  
Jack Holveck  
Eugene S. Fraise

# JOURNAL OF THE SENATE

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EIGHTEENTH CALENDAR DAY  
TWELFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 25, 2001

The Senate met in regular session at 9:03 a.m., President Kramer presiding.

Prayer was offered by the Reverend Neal Cross, pastor of the New Hope United Methodist Church in Des Moines, Iowa, guest of Senator Maddox.

The Journal of Wednesday, January 24, 2001, was approved.

The Senate stood at ease at 9:06 a.m. until the fall of the gavel for the purpose of party caucuses.

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

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 5.

### **Senate Concurrent Resolution 5**

On motion of Senator Iverson, **Senate Concurrent Resolution 5**, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-ninth general assembly, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 5, which motion prevailed by a voice vote.

**CONSIDERATION OF BILL**  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 43.

**House File 43**

On motion of Senator Dearden, **House File 43**, a bill for an act relating to the rulemaking authority of the natural resource commission regarding the taking and possession of migratory birds, with report of committee recommending passage, was taken up for consideration.

Senator Holveck offered amendment S-3006, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3006 lost by a voice vote.

Senator Dearden 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. 43), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Dearden	Deluhery	Fiegen	Flynn
Fraise	Gaskill	Gronstal	Iverson
Johnson	Kibbie	King	Kramer
Lamberti	McCoy	McKinley	McLaren
Miller	Redwine	Rittmer	Schuerer
Sexton	Veenstra		

Nays, 24:

Black	Bolkcom	Connolly	Drake
Dvorsky	Fink	Freeman	Greiner
Hammond	Hansen	Harper	Holveck
Horn	Jensen	Lundby	Maddox
McKean	McKibben	Redfern	Rehberg
Shearer	Soukup	Tinsman	Zieman

Absent or not voting, none.

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

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 58.

**Senate File 58**

On motion of Senator McKibben, **Senate File 58**, a bill for an act relating to the exemption from the sales and use taxes of the gross receipts from the sale, furnishing, or service of metered gas and of fuel used in residential-type dwellings and including an effective date, was taken up for consideration.

Senator McKibben offered amendment S-3001, filed by him on January 24, 2001, striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-3001 was adopted by a voice vote.

Senator McKibben asked and received unanimous consent that **House File 1** be substituted for **Senate File 58**.

**House File 1**

On motion of Senator McKibben, **House File 1**, a bill for an act relating to the exemption during a certain period from the sales and use taxes of the gross receipts from the sale, furnishing, or service of metered gas and of fuel used in residential-type dwellings and including an effective date, was taken up for consideration.

Senator McKibben offered amendment S-3002, filed by Senators McKibben, Connolly, and Lamberti on January 24, 2001, to page 1 and to the title page of the bill.

Senator Gronstal offered amendment S-3007, filed by Senators Gronstal, et al., from the floor striking everything after the enacting clause and to the title provisions of amendment S-3002.

Senator Gronstal moved the adoption of amendment S-3007 and requested a record roll call.

On the question "Shall amendment S-3007 to amendment S-3002 be adopted?" (H.F. 1), the vote was:

Ayes, 18:

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

Nays, 32:

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

Absent or not voting, none.

Amendment S-3007 lost.

The Senate resumed consideration of amendment S-3002.

Senator Gronstal raised the point of order that amendment S-3002 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-3002 in order.

Senator McKibben moved the adoption of amendment S-3002, which motion prevailed by a voice vote.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

## BUSINESS PENDING

**House File 1**

The Senate resumed consideration of House File 1.

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

On the question "Shall the bill pass?" (H.F. 1), the vote was:

Ayes, 49:

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

Nays, none.

Absent or not voting, 1:

Jensen

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

## WITHDRAWN

Senator McKibben asked and received unanimous consent that **Senate File 58** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 5** and **House Files 1** and **43** be **immediately messaged** to the House.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 4**, by committee on Ethics, a Senate resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Seventy-ninth General Assembly.

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

## INTRODUCTION OF BILLS

**Senate File 77**, by Johnson, a bill for an act relating to the department of revenue and finance assuming the duties of the child support recovery unit of the department of human services.

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

**Senate File 78**, by Lundby, a bill for an act relating to the birth certificate of a fetus which is designated a fetal death.

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

**Senate File 79**, by Hansen, a bill for an act relating to the time and the criteria for filing of claims for refund under the state individual income tax by retired federal employees as a result of the unconstitutional taxation of federal pensions and including an effective date.

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

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:42 a.m. until 1:00 p.m. Monday, January 29, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 25, 2001

#### DEPARTMENT OF NATURAL RESOURCES

Report of the State Preserves Advisory Board for the Biennium 1999–2000, pursuant to Iowa Code chapter 465C, and A Strategic Plan for the Future of Iowa's State Preserves.

#### STATE LIBRARY OF IOWA

Library System Priorities of the Iowa Commission of Libraries—January 22, 2001.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** January 24, 2001, 9:35 a.m.

**Members Present:** Tinsman, Chair; and Johnson, Vice Chair.

**Members Absent:** Bolkcom, Ranking Member; Dearden and Rittmer (all excused).

**Committee Business:** Tour of the Iowa Veterans' Home in Marshalltown.

**Adjourned:** 12:40 p.m.

#### JUDICIARY

**Convened:** January 25, 2001, 3:03 p.m.

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

**Members Absent:** Redfern, Vice Chair; Boettger, Horn, McKean, and Tinsman (all excused).

**Committee Business:** Approved SSB 1005.

**Adjourned:** 3:15 p.m.

**LOCAL GOVERNMENT**

**Convened:** January 25, 2001, 2:10 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Fraise, Hammond, Johnson, Schuerer, and Zieman.

**Members Absent:** Gaskill, Horn, McCoy, and McKibben (all excused).

**Committee Business:** Presentation on property tax by Mark Edelman, ISU.

**Adjourned:** 2:45 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** January 25, 2001, 1:07 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolcom, Deluhery, Drake, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** Dearden and Freeman (both excused).

**Committee Business:** Passed SF 50. Presentation on water quality initiative by Mike Valde, Administrator of Environmental Protection Division, and Jim Gulliford, Soil Conservation Director for the Department of Agriculture.

**Adjourned:** 2:02 p.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** January 25, 2001, 1:05 p.m.

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

**Members Absent:** Gaskill and McKinley (both excused).

**Committee Business:** Presentation regarding “clustering” by the Department of Economic Development.

**Adjourned:** 1:46 p.m.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 5**, by Dvorsky and Bolcom, a Senate resolution recognizing the achievements of Nancy Coover Andreasen.

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

## INTRODUCTION OF BILLS

**Senate File 80**, by committee on Agriculture, a bill for an act relating to contamination by certain genetically modified grain crops, providing for liability, and making penalties applicable.

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

**Senate File 81**, by Miller, a bill for an act relating to limitations on the disbursement of economic development financial assistance moneys by state agencies.

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

**Senate File 82**, by Rehberg, a bill for an act relating to casting and certification of the votes for United States president and vice president by the presidential electors of Iowa.

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

**Senate File 83**, by committee on Judiciary, a bill for an act relating to the verification of a uniform citation and complaint issued by a law enforcement agency.

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

**Senate File 84**, by committee on Natural Resources and Environment, a bill for an act prohibiting the sale or distribution of purple loosestrife.

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

## STUDY BILLS RECEIVED

**SSB 1050      Judiciary**

Providing for protection from domestic abuse for persons in an intimate relationship.

**SSB 1051      Judiciary**

Relating to the physician-patient privilege to allow disclosure of certain medical information.

**SSB 1052      Judiciary**

Relating to exceptions to the required participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order.

**SSB 1053      Commerce**

Limiting the exemption from regulation of certain persons acting as an attorney in fact regarding certain real estate transactions.

**SSB 1054      Commerce**

Relating to charitable gift annuities, by providing for notice and filing requirements and providing for penalties.

**SSB 1055      Commerce**

Permitting cooperative associations to deal with nonmembers, to use fictitious names, and to issue memberships without charge; to permit electric cooperatives to have multiple classes of members; and providing an effective date.

**SSB 1056      Local Government**

Relating to assessment and valuation of property for property tax purposes by removing assessment limitations for all classes of property, providing for a reduction in actual value for certain classes of property, requiring cost replacement valuation for certain residential property, and providing an applicability date.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 43**

EDUCATION: Redfern, Chair; Harper and Rehberg

**Senate File 45**

EDUCATION: Angelo, Chair; Fink and Redwine

**Senate File 48**

EDUCATION: Rehberg, Chair; Boettger and Connolly

**Senate File 49**

HUMAN RESOURCES: Tinsman, Chair; Behn and Dvorsky

**Senate File 54**

LOCAL GOVERNMENT: Schuerer, Chair; Hammond and Zieman

**Senate File 55**

COMMERCE: Redwine, Chair; Hansen and Maddox

**Senate File 60**

COMMERCE: Maddox, Chair; Johnson and McCoy

**Senate File 67**

TRANSPORTATION: Freeman, Chair; Fink and McKinley

**Senate File 69**

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

**Senate File 70**

BUSINESS AND LABOR RELATIONS: Lundby, Chair; Dearden and Freeman

**Senate File 71**

TRANSPORTATION: Drake, Chair; Dearden and Jensen

**SSB 1050**

JUDICIARY: Tinsman, Chair; Horn and King

**SSB 1051**

JUDICIARY: Angelo, Chair; Holveck and McKean

**SSB 1052**

JUDICIARY: Lamberti, Chair; Boettger and Hammond

**SSB 1053**

COMMERCE: Maddox, Chair; Bolkcom and Freeman

**SSB 1054**

COMMERCE: Deluhery, Chair; King and Redfern

**SSB 1055**

COMMERCE: Jensen, Chair; Flynn and Freeman

**SSB 1056**

LOCAL GOVERNMENT: Bartz, Chair; Angelo, Fraise, Horn, and Schuerer

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** \*SENATE FILE 80 (SSB 1048), a bill for an act relating to contamination by certain genetically modified grain crops, providing for liability, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McLaren, Behn, Fraise, Angelo, Bartz, Black, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, 1: Fiegen. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 80, and they were attached to the committee report.

**ETHICS**

**Final Bill Action:** SENATE RESOLUTION 4 (SSB 1010), a Senate resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Seventy-ninth General Assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 6: Drake, McKean, Kibbie, Connolly, Dearden, and Rittmer. Nays, none. Absent or not voting, none.

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

**JUDICIARY**

**Final Bill Action:** SENATE FILE 83 (SSB 1005), a bill for an act relating to the verification of a uniform citation and complaint issued by a law enforcement agency.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Maddox, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, King, Lamberti, and Miller. Nays, none. Absent or not voting, 5: Redfern, Boettger, Horn, McKean, and Tinsman.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** \*SENATE FILE 84 (formerly SF 50), a bill for an act prohibiting the sale or distribution of purple loosestrife.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Sexton, Bartz, Fink, Bolkom, Drake, Johnson, Kibbie, and Rittmer. Nays, none. Absent or not voting, 7: Black, Dearden, Deluhery, Freeman, Lundby, McLaren, and Miller.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 84, and they were attached to the committee report.

**AMENDMENTS FILED**

S-3005	S.F.	59	Steven D. Hansen
S-3006	H.F.	43	Jack Holveck
S-3007	H.F.	1	Michael E. Gronstal
			Betty A. Soukup
			Johnie Hammond
			Patricia Harper
			Tom Flynn
			Patrick J. Deluhery
			Mark Shearer
			Thomas Fiegen
			Dennis H. Black

# JOURNAL OF THE SENATE

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TWENTY-SECOND CALENDAR DAY  
THIRTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 29, 2001

The Senate met in regular session at 1:04 p.m., President Kramer presiding.

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

The Journal of Thursday, January 25, 2001, was approved.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:06 p.m. until 9:00 a.m. Tuesday, January 30, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

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

January 26, 2001

#### DEPARTMENT OF MANAGEMENT

Recommendations to the General Assembly to Resolve the State of Iowa Over-billing of the Federal Government for Information Technology Services, pursuant to 2000 Acts, chapter 1226, section 29.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Esther and Roger Cleveringas, Rock Valley — For celebrating your 50th wedding anniversary. Senator Veenstra (01/29/01).

### STANDING COMMITTEE CHANGE

On January 26, 2001, Senator Gronstal announced the following change in Senate committee memberships:

Senator Black will replace Senator Hammond on the Local Government Committee.

### INTRODUCTION OF BILLS

**Senate File 85**, by King, a bill for an act providing for access to certain child abuse information by a member of the general assembly.

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

**Senate File 86**, by Rehberg, Behn, King, and Schuerer, a bill for an act increasing the tuition tax credit under the individual income tax and including a retroactive applicability date provision.

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

# JOURNAL OF THE SENATE

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TWENTY-THIRD CALENDAR DAY  
FOURTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 30, 2001

The Senate met in regular session at 9:02 a.m., President Kramer presiding.

Prayer was offered by the Honorable William “Bill” Fink, member of the Senate from Warren County, Carlisle, Iowa.

The Journal of Monday, January 29, 2001, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gaskill, for the day, on request of Senator Sexton.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:15 a.m. until 9:00 a.m. Wednesday, January 31, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 30, 2001

#### LEGISLATIVE FISCAL BUREAU

2000 Iowa Factbook.

#### DEPARTMENT OF MANAGEMENT

Statement of Standing Appropriations for Fiscal Years Ending June 30, 1999, and June 30, 2000, pursuant to Iowa Code chapter 8, section 6, subsection (2).

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Mrs. Margie Tiedeman, Muscatine — For celebrating your 100th birthday on January 26, 2001. Senator Drake (01/30/01).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** January 30, 2001, 11:08 a.m.

**Members Present:** Tinsman, Chair; Bolkcom, Ranking Member; and Rittmer.

**Members Absent:** Johnson, Vice Chair; and Dearden (both excused).

**Committee Business:** Presentations on Civil Rights budget and Elder Affairs budget.

**Adjourned:** 1:05 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** January 30, 2001, 10:20 a.m.

**Members Present:** Veenstra, Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** Boettger, Vice Chair (excused).

**Committee Business:** Presentations on medically needy, dental issues, durable medical equipment, and the continuous eligibility administrative rule change.

**Adjourned:** 11:59 a.m.

## JUDICIARY

**Convened:** January 30, 2001, 3:05 p.m.

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

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

**Committee Business:** Approved SSB 1026.

**Adjourned:** 3:25 p.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** January 30, 2001, 1:04 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Kibbie, Lundby, McLaren, Miller, and Rittmer.

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

**Committee Business:** Update on the Fish and Wildlife Trust and the fee increase proposal by Department of Natural Resources.

**Adjourned:** 2:10 p.m.

## RULES AND ADMINISTRATION

**Convened:** January 30, 2001, 12:50 p.m.

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

**Members Absent:** Gaskill, Johnson, and Rittmer (all excused).

**Committee Business:** Passed SCR 6 and SR 6.

**Recessed:** 12:53 p.m.

**Reconvened:** 4:02 p.m.

**Adjourned:** 4:10 p.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** January 30, 2001, 1:05 p.m.

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

**Members Absent:** Flynn and Gaskill (both excused).

**Committee Business:** Presentation regarding Vision Iowa by the Department of Economic Development.

**Adjourned:** 1:55 p.m.

**STATE GOVERNMENT**

**Convened:** January 30, 2001, 2:16 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments.

**Adjourned:** 2:37 p.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Concurrent Resolution 6**, by committee on Rules and Administration, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Seventy-ninth General Assembly.

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

**Senate Resolution 6**, by committee on Rules and Administration, a Senate resolution relating to permanent rules of the Senate for the Seventy-ninth General Assembly.

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

**INTRODUCTION OF BILLS**

**Senate File 87**, by Veenstra, a bill for an act providing a tax credit under the individual income tax for an individual who provides

household services and care for certain dependents and including a retroactive applicability date provision.

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

**Senate File 88**, by Bolkcom, a bill for an act relating to an increase in the tax on the wholesale price of moist snuff.

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

**Senate File 89**, by Kibbie, a bill for an act regulating unformed manure storage structures associated with animal feeding operations, making a penalty applicable, and providing an effective date.

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

**Senate File 90**, by Connolly and Kibbie, a bill for an act relating to utilization of the district management levy to pay the cost of employee health insurance benefits.

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

**Senate File 91**, by Angelo, a bill for an act relating to state sales and use taxes on admittance fees for city or county swimming pools, providing limited refunds, and including effective and retroactive applicability date provisions.

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

**Senate File 92**, by Rehberg, Behn, Veenstra, Angelo, Schuerer, and King, a bill for an act making teachers employed by accredited nonpublic schools eligible for the national board certification pilot project.

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

**Senate File 93**, by Miller, a bill for an act relating to selection criteria for state employment, contracts, and services.

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

#### STUDY BILLS RECEIVED

**SSB 1057      Agriculture**

Providing for ethanol blended gasoline and providing penalties.

**SSB 1058      Business and Labor Relations**

Relating to the state minimum hourly wage rate and the hourly wage paid by businesses applying for or receiving state financial assistance.

**SSB 1059      State Government**

Relating to information concerning contested case proceedings of the ethics and campaign disclosure board.

**SSB 1060      State Government**

Relating to adoption of rules by state agencies pertaining to development, acquisition, or disposal of land.

**SSB 1061      State Government**

Relating to the administration and management of the department of personnel and the creation of a revolving fund, and providing for the appropriation and use of the moneys credited to the fund.

**SSB 1062      State Government**

Authorizing certain criminal history and abuse record and registry access to the department of inspections and appeals for purposes of data verification and record checks of applicants for employment with the department.

**SSB 1063 State Government**

To permit the public inspection and copying of certain information containing personnel and payroll records pertaining to government officers, officials, and employees.

**SSB 1064 State Government**

Relating to provision of notice by state agencies prior to providing new products or services.

**SSB 1065 State Government**

Relating to the regulation of games of skill or chance, subjecting violators to criminal and civil penalties, and appropriating certain penalties to the department of inspections and appeals.

**SSB 1066 Judiciary**

Requiring protective headgear for juvenile bicyclists, creating a bicycle safety fund, and providing for a helmet rental fee and a penalty.

**SSB 1067 Judiciary**

Relating to the extent of an employer's lien on an injured employee's third-party claim for personal injuries.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 34**

JUDICIARY: Boettger, Chair; Fraise and Lamberti

**Senate File 42**

JUDICIARY: Angelo, Chair; Fraise and King

**Senate File 68**

JUDICIARY: Lamberti, Chair; Boettger and Hansen

**Senate File 72**

LOCAL GOVERNMENT: McKibben, Chair; Gaskill and McCoy

**Senate File 73**

APPROPRIATIONS: Lundby, Chair; Dvorsky and Kramer

**Senate File 74**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Kibbie and Lundby

**Senate File 76**

LOCAL GOVERNMENT: Angelo, Chair; Horn and Zieman

**Senate File 77**

STATE GOVERNMENT: McKean, Chair; Connolly and Maddox

**Senate File 81**

LOCAL GOVERNMENT: Angelo, Chair; McCoy and Zieman

**Senate File 82**

STATE GOVERNMENT: King, Chair; Bolkcom and McKean

**LSB 1283SC**

JUDICIARY: Fiegen, Chair; Maddox and Redfern

**SSB 1057**

AGRICULTURE: Angelo, Chair; Bartz and Soukup

**SSB 1058**

BUSINESS AND LABOR RELATIONS: King, Chair; Greiner and Horn

**SSB 1059**

STATE GOVERNMENT: McKean, Chair; Kibbie and King

**SSB 1060**

STATE GOVERNMENT: Jensen, Chair; Bolkcom and McLaren

**SSB 1061**

STATE GOVERNMENT: McLaren, Chair; Dearden and Jensen

**SSB 1062**

STATE GOVERNMENT: Rittmer, Chair; Fink and McLaren

**SSB 1063**

STATE GOVERNMENT: Drake, Chair; Kibbie and McLaren

**SSB 1064**

STATE GOVERNMENT: Jensen, Chair; Bolcom and King

**SSB 1065**

STATE GOVERNMENT: McKean, Chair; Deluhery and Sexton

**SSB 1066**

JUDICIARY: Maddox, Chair; Holveck and Tinsman

**SSB 1067**

JUDICIARY: Redfern, Chair; Hammond and King

**COMMITTEE REPORTS****RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 6, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Seventy-ninth General Assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 6, a Senate resolution relating to permanent rules of the Senate for the Seventy-ninth General Assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

AMENDMENT FILED

S-3008

S.F.

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Sandra Greiner

# JOURNAL OF THE SENATE

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TWENTY-FOURTH CALENDAR DAY  
FIFTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 31, 2001

The Senate met in regular session at 9:02 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Terry Roberts, pastor of the Trinity Christian Church in Decatur, Iowa, guest of Senator Angelo.

The Journal of Tuesday, January 30, 2001, was approved.

## HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 30, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 65**, a bill for an act providing supplemental funding for the low-income home energy assistance program for the fiscal year beginning July 1, 2000, and providing an effective date. (S-3009)

ALSO: That the House has on January 30, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 1**, a bill for an act relating to the exemption during a certain period from the sales and use taxes of the gross receipts from the sale, furnishing, or service of metered gas and of fuel used in residential-type dwellings and including an effective date.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:17 a.m. until 5:00 p.m.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

January 31, 2001

#### OFFICE OF THE GOVERNOR

State of Iowa Five Year Capitals Projects Plan (fiscal years 2002 through 2006), pursuant to Iowa Code chapter 8.3A.

#### DEPARTMENT OF HUMAN RIGHTS

29th Annual Report of the Iowa Commission on the Status of Women.

#### BOARD OF VETERINARY MEDICINE

Report on the framework for the Veterinary Clinic Certification Program, pursuant to 2000 Acts, Senate File 419.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Larry Bettis, Centerville — For being named the Centerville Citizen of the Year for the year 2000. Senator McKinley (01/31/01).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** January 31, 2001, 9:40 a.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Flynn, Ranking Member; Hansen and Ziemann.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Revenue and Finance and the Superintendent of Spirit Lake Community Schools.

**Adjourned:** 10:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** January 31, 2001, 9:40 a.m.

**Members Present:** Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** Gaskill, Chair (excused).

**Committee Business:** Update on the closure of agriculture drainage wells by Jim Gulliford, Department of Agriculture and Land Stewardship.

**Adjourned:** 10:20 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 31, 2001, 9:38 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; Holveck and McKinley.

**Members Absent:** None.

**Committee Business:** Presentation by Iowa Workforce Development.

**Adjourned:** 11:05 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 31, 2001, 9:35 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Kibbie and McLaren.

**Members Absent:** None.

**Committee Business:** Presentations by representatives of the Iowa School for the Deaf, the Iowa Braille and Sight Saving School, and the Board of Regents.

**Adjourned:** 11:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 31, 2001, 9:38 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom Ranking Member; and Dearden.

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

**Committee Business:** Presentations by Dr. Steven Gleason, Director of the Department of Public Health; Janet Zwick, Gamblers Treatment Fund; and Wes Ehrecke, Iowa Gaming Association.

**Adjourned:** 11:32 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 31, 2001, 9:44 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Presentations on electronic benefits transfer and temporary assistance for needy families reauthorization.

**Adjourned:** 12:05 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 31, 2001, 9:40 a.m.

**Members Present:** Angelo, Chair; McKean, Vice Chair; Dvorsky, Ranking Member; Fraise and Maddox.

**Members Absent:** None.

**Committee Business:** Presentations by Kip Kautzky, Director of the Department of Corrections; Chuck Larson, Sr., Chairman of the Board of Parole; Jim Twedt, Administrative Law Judge; and Susan Cameron, Iowa State Sheriffs and Deputies Association.

**Adjourned:** 11:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** January 31, 2001, 10:00 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Deluhery, Ranking Member; Freeman and Shearer.

**Members Absent:** None.

**Committee Business:** Report on the management of the three state data centers by the Department of Management.

**Adjourned:** 10:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** January 31, 2001, 9:38 a.m.

**Members Present:** Jensen, Chair; Soukup, Ranking Member; Connolly, and McKibben.

**Members Absent:** Lamberti, Vice Chair (excused).

**Committee Business:** Presentation by the Department of Economic Development.

**Adjourned:** 10:23 a.m.

## **BUSINESS AND LABOR RELATIONS**

**Convened:** January 31, 2001, 1:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed SF 13. Presentation on Child Care Coalition.

**Adjourned:** 2:00 p.m.

## **COMMERCE**

**Convened:** January 31, 2001, 3:05 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1054 and 1055. Presentation by Superintendent of Banking, Holmes Foster.

**Adjourned:** 3:50 p.m.

## **EDUCATION**

**Convened:** January 31, 2001, 1:03 p.m.

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

**Members Absent:** Dvorsky and Kramer (both excused).

**Committee Business:** Passed SF 39 (as amended).

**Adjourned:** 1:10 p.m.

## HUMAN RESOURCES

**Convened:** January 31, 2001, 2:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed SF 23 and approved SSB 1020.

**Adjourned:** 2:55 p.m.

## TRANSPORTATION

**Convened:** January 31, 2001, 2:10 p.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Zieman.

**Members Absent:** McCoy, Ranking Member (excused).

**Committee Business:** Presentation by Department of Transportation regarding a study on implements of husbandry. Passed SF 71.

**Adjourned:** 2:50 p.m.

## INTRODUCTION OF BILLS

**Senate File 94**, by committee on Judiciary, a bill for an act creating a new criminal offense of escape from custody by a sexually violent predator civilly committed to confinement and providing a penalty.

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

**Senate File 95**, by Holveck, Bolcom, Hammond, Shearer, Kibbie, Harper, Dvorsky, Dearden, Drake, and Lundby, a bill for an act relating to the process for restoring for certain persons the right to register to vote and to vote.

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

**Senate File 96**, by Lamberti, a bill for an act concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty.

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

**Senate File 97**, by Boettger, a bill for an act relating to types of regulated containers and reimbursement amounts under the beverage container control law.

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

#### STUDY BILLS RECEIVED

**SSB 1068      Local Government**

Relating to local government fiscal reform and providing authority for bonding.

**SSB 1069      Human Resources**

Relating to the establishment of a prescription drug assistance program.

**SSB 1070      Human Resources**

Relating to the registration requirements for persons who manufacture, prescribe, distribute, administer, or dispense controlled substances.

**SSB 1071      Human Resources**

Relating to the inadmissibility of benevolent gestures as evidence in a civil action.

**SSB 1072      Judiciary**

Establishing child endangerment offenses for certain criminal acts committed in the presence of a child of minor.

**SSB 1073      Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates.

**SSB 1074      Ways and Means**

Providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment by the corporation or while employed by the corporation and including an effective and retroactive applicability date provision.

**SSB 1075      Ways and Means**

Providing for a tax levy for the county hospital fund in certain counties and providing an effective date.

**SSB 1076      Ways and Means**

Relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 75**

WAYS AND MEANS: Rehberg, Chair; Holveck and McKinley

**Senate File 79**

WAYS AND MEANS: Greiner, Chair; Connolly and Miller

**Senate File 86**

WAYS AND MEANS: Drake, Chair; Harper and Redwine

**Senate File 87**

WAYS AND MEANS: Maddox, Chair; Connolly and Lamberti

**Senate File 88**

WAYS AND MEANS: Lamberti, Chair; Flynn and Miller

**Senate File 91**

WAYS AND MEANS: Drake, Chair; Bolkcom and Redwine

**SSB 1068**

LOCAL GOVERNMENT: Bartz, Chair; Angelo, Fraise, Horn, and Schuerer

**SSB 1069**

HUMAN RESOURCES: Boettger, Chair; Shearer and Veenstra

**SSB 1070**

HUMAN RESOURCES: Behn, Chair; Dvorsky and Redwine

**SSB 1071**

HUMAN RESOURCES: Veenstra, Chair; Hammond and Miller

**SSB 1072**

JUDICIARY: Miller, Chair; Boettger and Hansen

**SSB 1073**

WAYS AND MEANS: Fiegen, Chair; Maddox and Redfern

**SSB 1074**

WAYS AND MEANS: McKibben, Chair; Flynn and Lamberti

**SSB 1075**

WAYS AND MEANS: McKibben, Chair; Harper and Maddox

**SSB 1076**

WAYS AND MEANS: Greiner, Chair; Bolkcom and McKinley

## COMMITTEE REPORTS

### JUDICIARY

**Final Bill Action:** SENATE FILE 94 (SSB 1026), a bill for an act creating a new criminal offense of escape from custody by a sexually violent predator civilly committed to confinement and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Hansen.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

### TRANSPORTATION

**Final Bill Action:** SENATE FILE 71, a bill for an act relating to motor vehicle registration fees for certain vehicles and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Rittmer, Drake, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Ziemann. Nays, none. Absent or not voting, 1: McCoy.

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

## AFTERNOON SESSION

The Senate reconvened at 5:10 p.m., President Pro Tempore McKean presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 31, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 103**, a bill for an act relating to information included in written promotional materials distributed by the department of economic development.

Read first time and attached to **companion Senate File 30**.

## QUORUM CALL

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

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

## BILL REASSIGNED TO COMMITTEE

Senator Iverson announced that **Senate File 73** was reassigned from the Appropriation committee to the **Ways and Means** committee.

## HOUSE AMENDMENT CONSIDERED

**Senate File 65**

Senator Tinsman called up for consideration **Senate File 65**, a bill for an act providing supplemental funding for the low-income home energy assistance program for the fiscal year beginning July 1, 2000, and providing an effective date, amended by the House in House amendment S-3009, filed January 31, 2001.

The Senate stood at ease at 5:14 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:31 p.m., President Pro Tempore McKean presiding.

Senator Tinsman moved that the Senate concur in the House amendment.

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

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

On the question "Shall the bill pass?" (S.F. 65), the vote was:

Ayes, 29:

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

Nays, 21:

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

Absent or not voting, none.

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

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 65** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 3.

**Senate Resolution 3**

On motion of Senator Drake, **Senate Resolution 3**, a Senate resolution relating to the senate rules governing lobbyists and their interactions with the senate and members of the Senate during the Seventy-ninth General Assembly, was taken up for consideration.

Senator Drake moved the adoption of Senate Resolution 3, which motion prevailed by a voice vote.

Senator Boettger took the chair at 5:53 p.m.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 2.

**Senate Resolution 2**

On motion of Senator McKean, **Senate Resolution 2**, a Senate resolution honoring Grand Ole Opry singer Wilma Lee Cooper, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved the adoption of Senate Resolution 2, which motion prevailed by a voice vote.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 63.

**Senate File 63**

On motion of Senator Tinsman, **Senate File 63**, a bill for an act relating to child endangerment violations and injuries to a child and providing penalties, was taken up for consideration.

Senator Tinsman offered amendment S-3010, filed by her from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3010 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 63), the vote was:

Ayes, 50:

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

Nays, none.

Absent or not voting, none.

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

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 63** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:04 p.m. until 9:00 a.m. Thursday, February 1, 2001.

## APPENDIX

### COMPANION BILL RECEIVED

On January 31, 2001, **House File 103** was received and attached to companion **Senate File 30** on the Senate calendar.

### REPORT OF COMMITTEE MEETING

#### AGRICULTURE

**Convened:** January 31, 2001, 4:03 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Fiegen, Greiner, Kibbie, Sexton, Shearer, Soukup, and Ziemann.

**Members Absent:** Gaskill and Veenstra (both excused).

**Committee Business:** Presentation by representative of Terra Industries, Inc., on anhydrous ammonia.

**Adjourned:** 5:10 p.m.

### INTRODUCTION OF BILLS

**Senate File 98**, by committee on Business and Labor Relations, a bill for an act concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster.

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

**Senate File 99**, by committee on Human Resources, a bill for an act relating to the billing and accounting of charges for the state resource centers and mental health institutes administered by the department of human services.

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

**Senate File 100**, by committee on Human Resources, a bill for an act relating to substance abuse by pregnant women by providing for civil commitment of certain chronic substance abusers.

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

**Senate File 101**, by Connolly, a bill for an act providing for the establishment and funding of a prekindergarten instruction program, and providing an effective date.

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

**Senate File 102**, by committee on Commerce, a bill for an act relating to charitable gift annuities, by providing for notice and filing requirements and providing for penalties.

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

**Senate File 103**, by committee on Commerce, a bill for an act permitting cooperative associations to deal with nonmembers, to use fictitious names, and to issue memberships without charge; to permit electric cooperatives to have multiple classes of members; and providing an effective date.

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

## COMMITTEE REPORTS

### BUSINESS AND LABOR RELATIONS

**Final Bill Action:** SENATE FILE 98 (formerly SF 13), a bill for an act concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Freeman, Greiner, Dearden, Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer. Nays, none. Absent or not voting, none.

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

### COMMERCE

**Final Bill Action:** \*SENATE FILE 102 (SSB 1054), a bill for an act relating to charitable gift annuities, by providing for notice and filing requirements and providing for penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 102, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 103 (SSB 1055), a bill for an act permitting cooperative associations to deal with nonmembers, to use fictitious names, and to issue memberships without charge; to permit electric cooperatives to have multiple classes of members; and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 103, and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 99 (SSB 1020), a bill for an act relating to the billing and accounting of charges for the state resource centers and mental health institutes administered by the department of human services.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 100 (formerly SF 23), a bill for an act relating to substance abuse by pregnant women by providing for civil commitment of certain chronic substance abusers.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Redwine, Bartz, Behn, Boettger, Miller, Schuerer, and Veenstra. Nays, 6: Tinsman, Hammond, Dvorsky, Harper, Holveck, and Shearer. Absent or not voting, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

S-3009	S.F.	65	House
S-3010	S.F.	63	Maggie Tinsman

# JOURNAL OF THE SENATE

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TWENTY-FIFTH CALENDAR DAY  
SIXTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 1, 2001

The Senate met in regular session at 9:08 a.m., Senator Veenstra presiding.

Prayer was offered by Father Bob Davies of the St. Edward Catholic Church in Waterloo, Iowa, guest of Senator Redfern.

The Journal of Wednesday, January 31, 2001, was approved.

## ADJOURNMENT

On motion of Senator Bartz, the Senate adjourned at 9:12 a.m. until 1:00 p.m. Monday, February 5, 2001.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** February 1, 2001, 9:45 a.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Flynn, Ranking Member; Hansen and Ziemann.

**Members Absent:** None.

**Committee Business:** Presentations by Iowa Lottery Commissioner, Treasurer of State, Professional Licensing and Regulation Division administrator, and UNI representatives speaking on the Real Estate Education Fund.

**Adjourned:** 11:45 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 1, 2001, 9:45 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Representatives from the Department of Natural Resources speaking on manure management plans, the Prairie Seed Program, and the Fish and Wildlife Trust Fund.

**Adjourned:** 11:05 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 1, 2001, 9:50 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; and Holveck.

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

**Committee Business:** Immigration issues.

**Adjourned:** 11:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 1, 2001, 9:46 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Kibbie and McLaren.

**Members Absent:** None.

**Committee Business:** Presentations by the president of the University of Iowa, the president of the University of Northern Iowa, and the interim president of Iowa State University.

**Adjourned:** 11:32 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 1, 2001, 9:45 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; and Bolkcom, Ranking Member.

**Members Absent:** Dearden and Rittmer (both excused).

**Committee Business:** Continuation of budget presentation by Dr. Steven Gleason, Director of the Department of Public Health.

**Adjourned:** 11:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 1, 2001, 9:45 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Presentations on nursing facilities, long-term care alternatives, and fathers' rights.

**Adjourned:** 12:15 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 1, 2001, 9:55 a.m.

**Members Present:** Angelo, Chair; McKean, Vice Chair; Dvorsky, Ranking Member; Fraise and Maddox.

**Members Absent:** None.

**Committee Business:** Presentation by Kip Kautzky, Director of the Department of Corrections.

**Adjourned:** 11:37 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** February 1, 2001, 10:05 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Deluhery, Ranking Member; Freeman and Shearer.

**Members Absent:** None.

**Committee Business:** Presentation on IowAccess by the Information Technology Department.

**Adjourned:** 11:20 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 1, 2001, 9:45 a.m.

**Members Present:** Jensen, Chair; Soukup, Ranking Member; Connolly and McKibben.

**Members Absent:** Lamberti, Vice Chair (excused).

**Committee Business:** Presentations by the Department of Agriculture and Land Stewardship and the Department of Natural Resources.

**Adjourned:** 11:12 a.m.

#### **JUDICIARY**

**Convened:** February 1, 2001, 3:10 p.m.

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

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

**Committee Business:** Approved SSBs 1007 and 1073 (as amended).

**Adjourned:** 3:30 p.m.

#### **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** February 1, 2001, 1:06 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Deluhery, Freeman, Johnson, Kibbie, McLaren, Miller, and Rittmer.

**Members Absent:** Dearden, Drake, and Lundby (all excused).

**Committee Business:** Presentation by representatives of the Department of Natural Resources on proposed AFO legislation and manure management plans.

**Adjourned:** 1:58 p.m.

### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** February 1, 2001, 1:06 p.m.

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

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

**Committee Business:** Presentation by Ken Stone, ISU Extension Coordinator, regarding revitalizing rural Iowa communities.

**Adjourned:** 1:57 p.m.

### STATE GOVERNMENT

**Convened:** February 1, 2001, 2:10 p.m.

**Members Present:** King, Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Deluhery, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** Lamberti, Vice Chair; Dearden and Drake (all excused).

**Committee Business:** Approved a motion to create a standing subcommittee on veterans' affairs. Presentation by Department of Personnel.

**Adjourned:** 3:08 p.m.

### PETITIONS

The following petitions were presented and placed on file:

From 396 residents favoring legislation to increase funding for school support staff. Senator Horn.

From 88 residents of Polk County, Iowa, favoring legislation regarding the importance of including support staff in legislation that may increase compensation for all school employees. Senator Maddox.

## COMMUNICATIONS RECEIVED

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

February 1, 2001

## DEPARTMENT OF TRANSPORTATION

Annual Report of Highway Research and Development in Iowa, pursuant to Iowa Code sections 310.36 and 312.3A.

## TREASURER OF STATE

Linked Investments for Tomorrow Annual Report.

## CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Kadsan and Sotaf Society — For congratulations on the occasion of your celebration of the Lunar New Year. Senator Kramer (02/01/01).

## INTRODUCTION OF BILLS

**Senate File 104**, by committee on Education, a bill for an act relating to a study of the Iowa communications network as a school district instructional tool for students enrolled in kindergarten through grade twelve.

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

**Senate File 105**, by Freeman, a bill for an act relating to personnel information regarding the value of public employees' compensation.

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

## STUDY BILLS RECEIVED

**SSB 1077      Ways and Means**

Relating to the allocation of program job credits to program costs under the accelerated career education program and providing effective and retroactive applicability dates.

**SSB 1078      Ways and Means**

Excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law.

**SSB 1079      Human Resources**

Relating to the rules regarding the authentication of practitioners' verbal orders in hospitals.

**SSB 1080      Judiciary**

Making changes to and reorganizing scheduled fines.

**SSB 1081      Ways and Means**

Exempting from state sales and use taxes the sale or rental of certain equipment used in transmitting telecommunications services.

**SSB 1082      Natural Resources and Environment**

Renaming the waste management assistance division of the department of natural resources.

**SSB 1083      Natural Resources and Environment**

Relating to tonnage fees paid by sanitary landfills and transfer stations.

**SSB 1084      Natural Resources and Environment**

Relating to the registration and titling of all-terrain vehicles and snowmobiles, and subjecting violators to a penalty.

**SSB 1085      Agriculture**

Relating to the powers and duties of the department of agriculture and land stewardship.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 73**

WAYS AND MEANS: McKinley, Chair; Flynn and Greiner

**Senate File 89**

AGRICULTURE: Behn, Chair; Shearer and Veenstra

**Senate File 90**

EDUCATION: Boettger, Chair; Connolly and Tinsman

**Senate File 93**

STATE GOVERNMENT: King, Chair; Deluhery and Lamberti

**Senate File 97**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bartz and Bolkom

**SSB 1077**

WAYS AND MEANS: Lamberti, Chair; Harper and McKibben

**SSB 1078**

WAYS AND MEANS: McKibben, Chair; Flynn and Lamberti

**SSB 1079**

HUMAN RESOURCES: Bartz, Chair; Behn and Dvorsky

**SSB 1080**

JUDICIARY: Maddox, Chair; Hansen and McKean

**SSB 1081**

WAYS AND MEANS: Rehberg, Chair; Holveck and Lamberti

**SSB 1082**

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

**SSB 1083**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bartz and Kibbie

**SSB 1084**

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

**SSB 1085**

AGRICULTURE: Greiner, Chair; Black and Sexton

**COMMITTEE REPORT**

**EDUCATION**

**Final Bill Action:** \*SENATE FILE 104 (formerly SF 39), a bill for an act relating to a study of the Iowa communications network as a school district instructional tool for students enrolled in kindergarten through grade twelve.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Rehberg, Connolly, Angelo, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 2: Dvorsky and Kramer.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 104, and they were attached to the committee report.

# JOURNAL OF THE SENATE

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TWENTY-NINTH CALENDAR DAY  
SEVENTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 5, 2001

The Senate met in regular session at 1:05 p.m., President Kramer presiding.

Prayer was offered by the Reverend William Hill, pastor of the Calvary Evangelistic Center in Independence, Iowa, guest of Senator Rehberg.

The Journal of Thursday, February 1, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby, until she arrives, on request of Senator Freeman; Senator McKean until he arrives, on request of Senator Drake; Senator Fiegen, for the day, and Senator Black, until he arrives, on request of Senator Gronstal.

## SPECIAL GUEST

Senator Boettger welcomed Ms. Liliana Serban from Romania. Ms. Serban is an Expert of the Defense, Public Order, and National Security Committee of the Romanian House of Deputies. She is here to learn about the legislative process, the relationship between the executive and legislative branches of government, and national defense issues.

The Senate stood at ease at 1:10 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:45 p.m., President Kramer presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:51 p.m. until 9:00 a.m. Tuesday, February 6, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

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

February 1, 2001

#### DEPARTMENT OF INSPECTIONS AND APPEALS

Interim Report to the Iowa Legislature Regarding Quality Based Inspections, pursuant to 2000 Acts, chapter 1180, section 3.

February 5, 2001

#### DEPARTMENT OF NATURAL RESOURCES

Annual Report 2000—Registry of Hazardous Waste or Hazardous Substance Disposal Sites and Hazardous Waste Remedial Fund, pursuant to Iowa Code sections 455B.425 and 455B.427.

Household Hazardous Materials Programs—Toxic Cleanup Days, Regional Collection Centers, and Safe Chemical Management in Schools Pilot, pursuant to Iowa Code section 455F.8.

#### DEPARTMENT OF REVENUE AND FINANCE

State of Iowa Citizens Report for the Fiscal Year Ending June 30, 2000.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Christine Nibbelink, Orange City – For celebrating your 90th birthday. Senator Veenstra (02/05/01).

The Hotel Pattee, Perry – For earning the Four Diamond Award presented by the AAA. Senator Johnson (02/05/01).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** February 5, 2001, 10:12 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; and Rittmer.

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

**Committee Business:** Legislative Fiscal Bureau reviewed budgets for the Commission for the Blind, the Department of Drug Affairs, and the Department of Human Rights.

**Adjourned:** 12:24 p.m.

## BUSINESS AND LABOR RELATIONS

**Convened:** February 5, 2001, 2:05 p.m.

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

**Members Absent:** Lundby and Schuerer (excused).

**Committee Business:** Presentations on ACE Program by Des Moines Area Community College and Northwest Iowa Community College.

**Adjourned:** 2:40 p.m.

## EDUCATION

**Convened:** February 5, 2001, 1:56 p.m.

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

**Members Absent:** Angelo, Dvorsky, and Kramer (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 2:03 p.m.

## HUMAN RESOURCES

**Convened:** February 5, 2001, 3:05 p.m.

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

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

**Committee Business:** Approved SSB 1023 (as amended).

**Adjourned:** 3:41 p.m.

**TRANSPORTATION**

**Convened:** February 5, 2001, 3:05 p.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Ziemann.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Transportation on ID theft, Prepass, and drivers license station sites.

**Adjourned:** 4:00 p.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Joint Resolution 3**, by committee on Judiciary, a joint resolution authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date.

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

**Senate Concurrent Resolution 7**, by Angelo, a concurrent resolution requesting that the United States Congress adopt daylight saving time as the national standard of keeping time throughout the year.

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

**INTRODUCTION OF BILLS**

**Senate File 106**, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates.

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

**Senate File 107**, by Bolkom, a bill for an act restricting the application of pesticides and fertilizers in cities and providing a penalty.

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

**Senate File 108**, by Bolkom and Dvorsky, a bill for an act relating to proper methods of chemical management, establishing the comprehensive safe chemical management in schools program, and making an appropriation.

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

**Senate File 109**, by Miller, a bill for an act relating to confidentiality of ethics complaints during even-numbered years.

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

**Senate File 110**, by Soukup, a bill for an act relating to the boundaries of an enterprise zone under the enterprise zone program.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

**Senate File 111**, by Connolly, a bill for an act providing for additional local funding authority under the instructional support levy for school districts.

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

**Senate File 112**, by Freeman, a bill for an act exempting certain county bridge construction projects and materials from contract bidding procedures.

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

**Senate File 113**, by Bolkcom, Dvorsky, and Hammond, a bill for an act relating to the use of marijuana for therapeutic purposes and establishing a marijuana therapeutic research program.

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

**BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of February, 2001:

Senate File 65.

MICHAEL E. MARSHALL  
Secretary of the Senate

**STUDY BILLS RECEIVED**

**SSB 1086      Education**

Relating to the establishment of Iowa charter schools.

**SSB 1087      Natural Resources and Environment**

Relating to the certification of persons providing water pump services.

**SSB 1088      Local Government**

Relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment.

**SSB 1089      Local Government**

Relating to the appointment of an acting or a temporary county attorney.

**SSB 1090      Local Government**

Relating to the compensation of the county attorney.

**SSB 1091      Local Government**

Relating to the powers and duties of the county recorder relating to the recording and keeping of documents.

**SSB 1092      State Government**

Prohibiting straight party voting in elections.

**SSB 1093      State Government**

Relating to campaign finance law and providing penalties.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 78**

HUMAN RESOURCES: Tinsman, Chair; Holveck and Veenstra

**Senate File 85**

HUMAN RESOURCES: Schuerer, Chair; Behn and Hammond

**Senate File 92**

EDUCATION: Rehberg, Chair; Connolly and Veenstra

**Senate File 95**

STATE GOVERNMENT: King, Chair; Bolkcom and Sexton

**Senate File 96**

STATE GOVERNMENT: Rittmer, Chair; Dearden and King

**SSB 1076**  
(Reassignment)

WAYS AND MEANS: Drake, Chair; Harper and Rehberg

**SSB 1086**

EDUCATION: Angelo, Chair; Boettger and Harper

**SSB 1087**

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

**SSB 1088**

LOCAL GOVERNMENT: Angelo, Chair; Hansen and Zieman

**SSB 1089**

LOCAL GOVERNMENT: McKibben, Chair; Fraise and Zieman

**SSB 1090**

LOCAL GOVERNMENT: Angelo, Chair; Horn and Zieman

**SSB 1091**

LOCAL GOVERNMENT: Hansen, Chair; McKibben and Zieman

**SSB 1092**

STATE GOVERNMENT: Jensen, Chair; Fink and King

**SSB 1093**

STATE GOVERNMENT: Rittmer, Chair; Dearden and Lamberti

**COMMITTEE REPORTS****JUDICIARY**

**Final Bill Action:** \*SENATE JOINT RESOLUTION 3 (SSB 1007), a joint resolution authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Boettger.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate Joint Resolution 3, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 106 (SSB 1073), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Boettger.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 106, and they were attached to the committee report.

#### AMENDMENTS FILED

S-3011	S.R.	6	Michael E. Gronstal
S-3012	S.R.	6	Michael E. Gronstal
S-3013	S.F.	30	Steven D. Hansen
S-3014	S.C.R.	6	Merlin E. Bartz John P. Kibbie Michael E. Gronstal Stewart Iverson, Jr.
S-3015	S.R.	6	Merlin E. Bartz John P. Kibbie Michael E. Gronstal Stewart Iverson, Jr.
S-3016	S.R.	4	Michael E. Gronstal
S-3017	S.R.	4	Robert E. Dvorsky Mark Shearer Patrick J. Deluhery Joe Bolkcom Patricia Harper Johnie Hammond John P. Kibbie
S-3018	S.R.	4	Matt McCoy Betty A. Soukup Patrick J. Deluhery Joe Bolkcom

			Patricia Harper
			Johnie Hammond
			Jack Holveck
			John P. Kibbie
			Michael E. Gronstal
S-3019	S.R.	4	Steven D. Hansen
			Matt McCoy
			Betty A. Soukup
			Joe Bolkom
			Patricia Harper
			Jack Holveck
			Mark Shearer
			John P. Kibbie
			Michael E. Gronstal
S-3020	H.F.	103	Steven D. Hansen

# JOURNAL OF THE SENATE

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THIRTIETH CALENDAR DAY  
EIGHTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 6, 2001

The Senate met in regular session at 9:00 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Jeffrey Frese, pastor of the Grace United Methodist Church in Marshalltown, Iowa, guest of Senator McKibben.

The Journal of Monday, February 5, 2001, was approved.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:17 a.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 9:20 a.m., President Pro Tempore McKean presiding.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:21 a.m. until 11:30 a.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** February 5, 2001, 4:05 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine.

**Members Absent:** None.

**Committee Business:** Approved SSB 1009 (as amended). Presentation by Lisa Stamp, Iowa Utilities Board.

**Adjourned:** 5:05 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** February 6, 2001, 9:45 a.m.

**Members Present:** Redfern, Chair; Horn, Ranking Member; Kibbie and McLaren.

**Members Absent:** Rehberg, Vice Chair (excused).

**Committee Business:** Presentation by Department of Economic Development and Des Moines Area Community College on the ACE program.

**Adjourned:** 10:45 a.m.

#### RULES AND ADMINISTRATION

**Convened:** February 6, 2001, 9:18 a.m.

**Members Present:** Iverson, Chair; Gronstal, Ranking Member; Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean.

**Members Absent:** Kramer, Vice Chair; Boettger and Rittmer (all excused).

**Committee Business:** Passed SR 7. Discussed SR 4.

**Adjourned:** 9:20 a.m.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 7**, by Dvorsky, Bolkcom, Drake, Kramer, Iverson, Tinsman, Rittmer, Greiner, McKibben, Redfern, Johnson,

Lundby, Angelo, Maddox, Boettger, Rehberg, Behn, King, Veenstra, Lamberti, Gaskill, Miller, Redwine, McKinley, Sexton, Schuerer, Jensen, Freeman, Bartz, Zieman, Kibbie, Fink, Horn, Connolly, Deluhery, Fraise, Gronstal, Hansen, Flynn, McCoy, Harper, and Soukup, a Senate resolution recognizing the achievements of Nancy Coover Andreasen.

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

## SUBCOMMITTEE ASSIGNMENTS

### Senate Concurrent Resolution 7

STATE GOVERNMENT: McLaren, Chair; Dearden and Sexton

#### Senate File 101

EDUCATION: Rehberg, Chair; Connolly and Veenstra

#### Senate File 105

STATE GOVERNMENT: Jensen, Chair; Bolcom and Maddox

#### Senate File 108

EDUCATION: Boettger, Chair; Dvorsky and Rehberg

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 7, a Senate resolution recognizing the achievements of Nancy Coover Andreasen.

**Recommendation:** DO PASS.

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

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

## SECOND MORNING SESSION

The Senate reconvened at 11:33 a.m., President Kramer presiding.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 7.

**Senate Resolution 7**

On motion of Senator Dvorsky, **Senate Resolution 7**, a Senate resolution recognizing the achievements of Dr. Nancy Coover Andreasen, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 7, which motion prevailed by a voice vote.

Senator Dvorsky welcomed Dr. Andreasen and presented her with an enrolled copy of Senate Resolution 7.

Dr. Andreasen addressed the Senate with brief remarks and presented the Senate with *The American Journal of Psychiatry, Sesquicentennial Anniversary Edition 1844–1994*.

The Senate rose and expressed its appreciation.

## RECESS

On motion of Senator Iverson, the Senate recessed at 11:40 a.m. until 6:00 p.m.

## APPENDIX

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Mykel Erickson, Maynard — For achieving the rank of Eagle Scout. Senator Rehberg (02/06/01).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** February 6, 2001, 9:36 a.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Flynn, Ranking Member; Hansen and Ziemann.

**Members Absent:** None.

**Committee Business:** Presentation by Department of Personnel on the IPERS budget, workers' compensation budget, the proposed insurance surcharge, and billings by the department.

**Adjourned:** 11:24 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 6, 2001, 9:40 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Fink and Greiner.

**Members Absent:** Black, Ranking Member (excused).

**Committee Business:** Update on the Total Maximum Daily Load (TMDL) Program. Update on the Johne's disease study.

**Adjourned:** 10:40 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 6, 2001, 9:40 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; Holveck and McKinley.

**Members Absent:** None.

**Committee Business:** Work force training issues.

**Adjourned:** 11:20 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 6, 2001, 9:38 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; Dearden and Rittmer.

**Members Absent:** None.

**Committee Business:** Review of the budget by Dr. Gleason, Department of Public Health.

**Adjourned:** 11:41 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 6, 2001, 9:45 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Human Services institutions and an update on the Sexual Predator Unit at Oakdale.

**Adjourned:** 11:33 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 6, 2001, 9:38 a.m.

**Members Present:** Angelo, Chair; Dvorsky, Ranking Member; and Fraise.

**Members Absent:** McKean, Vice Chair; and Maddox (both excused).

**Committee Business:** Budget presentations by the Iowa Law Enforcement Academy, the Department of Public Defense, and the Office of the State Public Defender.

**Adjourned:** 10:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 6, 2001, 9:36 a.m.

**Members Present:** Jensen, Chair; Soukup, Ranking Member; and McKibben.

**Members Absent:** Lamberti, Vice Chair; and Connolly (both excused).

**Committee Business:** Presentation by the director and staff of the Department of General Services.

**Adjourned:** 10:45 a.m.

## EDUCATION

**Convened:** February 6, 2001, 11:45 a.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Kramer, Redfern, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** Harper, McKinley, and Redwine (all excused).

**Committee Business:** Approved SSB 1097.

**Adjourned:** 11:48 a.m.

## JUDICIARY

**Convened:** February 6, 2001, 3:10 p.m.

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

**Members Absent:** King and Lamberti (both excused).

**Committee Business:** Approved SSB 1034.

**Adjourned:** 3:25 p.m.

## LOCAL GOVERNMENT

**Convened:** February 6, 2001, 2:10 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Gaskill, Johnson, McCoy, McKibben, Schuerer, and Zieman.

**Members Absent:** Horn.

**Committee Business:** Presentation on Iowa Property Tax System by David Swenson, ISU Department of Economics.

**Adjourned:** 2:48 p.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 6, 2001, 1:07 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, and Miller.

**Members Absent:** McLaren and Rittmer (both excused).

**Committee Business:** Approved SSBs 1029 and 1082.

**Adjourned:** 1:20 p.m.

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** February 6, 2001, 1:03 p.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by representatives of Council of Governments (COGS).

**Adjourned:** 2:00 p.m.

### **STATE GOVERNMENT**

**Convened:** February 6, 2001, 2:10 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** None.

**Committee Business:** Approved SSB 1062.

**Adjourned:** 2:23 p.m.

### **COMPANION BILL RECEIVED**

On February 6, 2001, **House File 191** was received and attached to companion **Senate File 115** on the Senate Calendar.

### **INTRODUCTION OF BILLS**

**Senate File 114**, by committee on Human Resources, a bill for an act relating to the composition of the medical assistance advisory council.

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

**Senate File 115**, by committee on Education, a bill for an act relating to establishing the state percent of growth for purposes of the state school foundation program and providing an applicability date.

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

**Senate File 116**, by Dvorsky and Bolkom, a bill for an act relating to the confidentiality of certain domestic abuse records.

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

**Senate File 117**, by Kibbie, a bill for an act relating to sales of motor vehicles at auction and providing a penalty.

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

**Senate File 118**, by Miller, a bill for an act relating to prisoner labor at county jails.

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

**Senate File 119**, by Connolly, a bill for an act relating to third-party payment of health care coverage costs for mental health conditions, including substance abuse treatment services.

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

**Senate File 120**, by Hansen, a bill for an act giving the county commissioner of elections authority to allow elections in certain cities to be conducted by mail ballots and providing penalties.

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

**Senate File 121**, by Hansen, a bill for an act relating to destruction of ballots not voted and providing for the Act's applicability.

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

**Senate File 122**, by Hansen, a bill for an act relating to determining the number of ballots to be delivered to polling places for primary and general elections.

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

**Senate File 123**, by Hansen, a bill for an act relating to absentee voting at the commissioner's office on election day in certain elections.

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

**Senate File 124**, by committee on Natural Resources and Environment, a bill for an act renaming the waste management assistance division of the department of natural resources.

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

**Senate File 125**, by committee on Natural Resources and Environment, a bill for an act relating to membership in an interstate wildlife violators compact by the department of natural resources.

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

**Senate File 126**, by committee on Commerce, a bill for an act permitting state banks to establish additional bank offices, and containing effective dates.

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

**Senate File 127**, by committee on State Government, a bill for an act authorizing certain criminal history and abuse record and registry access to the department of inspections and appeals for purposes of

data verification and record checks of applicants for employment with the department.

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

#### STUDY BILLS RECEIVED

##### **SSB 1094      State Government**

Relating to the duties and office of the secretary of state in commissioning notarial officers.

##### **SSB 1095      Ways and Means**

Exempting from sales and use taxes the sales and rentals made and services furnished to licensed nonprofit nursing facilities.

##### **SSB 1096      Agriculture**

Relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability.

##### **SSB 1097      Education**

Relating to establishing the state percent of growth for purposes of the state school foundation program and providing an applicability date.

##### **SSB 1098      Education**

Providing for a school investment partnership pilot program.

##### **SSB 1099      State Government**

Relating to the financial operations and transactions of the information technology department.

**SSB 1100      State Government**

Limiting the amount of contributions a candidate for office may accept from sources outside the candidate's election district, and providing a civil penalty.

**SSB 1101      State Government**

Requiring voters to present identification containing a photograph to poll workers prior to voting.

**SSB 1102      State Government**

Relating to conflicts of interest of public officers and employees, including lobbyist and clients reports, and review of documents related to campaign finance disclosure reports.

**SSB 1103      Judiciary**

Relating to the tobacco master settlement agreement and providing an effective date.

**SSB 1104      Judiciary**

Relating to the criminal offenses of enticing a minor away and sexual exploitation of a minor and providing a penalty.

**SSB 1105      Judiciary**

Relating to an indigent criminal defendant seeking postconviction relief and to the applicability of the Iowa administrative procedures Act to postconviction actions.

**SSB 1106      Judiciary**

Eliminating filing and service fees for plaintiffs seeking relief from domestic abuse.

**SSB 1107      Judiciary**

Providing for municipal tort liability in connection with claims based upon gross negligence in emergency response situations.

**SSB 1108      Judiciary**

Relating to policies and procedures regarding sexual offenses occurring on community college and university campuses and private postsecondary school premises.

**SSB 1109      Judiciary**

Relating to recovery of prejudgment interest in relation to an offer to confess judgment.

**SSB 1110      Judiciary**

Relating to public and private remedies for unfair and deceptive insurance trade practice, applying civil penalties, and providing for a private cause of action.

**SSB 1111      Judiciary**

Establishing the interstate compact for adult criminal offender supervision and providing a contingent effective date.

**SSB 1112      Judiciary**

Excepting certain acts constituting a simple assault from the criminal offense of robbery.

**SSB 1113      Ways and Means**

Exempting property owned and operated by an Indian housing authority from property tax and including an effective date.

**SSB 1114      Ways and Means**

Relating to a sales and use tax exemption for the purchase of certain appliances meeting the energy efficiency standards of the federal energy star program and providing an effective date.

**SSB 1115      Judiciary**

Relating to sales and possession of pistols and revolvers, by requiring a gun-locking device to be provided and related information to be posted in connection with the retail sale of a pistol or revolver.

**SSB 1116      Judiciary**

Eliminating the limitation on the reduction in damages awarded to plaintiffs who fail to wear a safety belt or safety harness.

**SSB 1117      Commerce**

Relating to price regulation for local exchange carriers, by changing certain definitions related to price regulation, permitting certain rate increases, requiring certain network infrastructure investments, and making related changes.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 107**

AGRICULTURE: Behn, Chair; Sexton and Shearer

**Senate File 109**

STATE GOVERNMENT: McKean, Chair; Kibbie and King

**SSB 1094**

STATE GOVERNMENT: Deluhery, Chair; Drake and McLaren

**SSB 1095**

WAYS AND MEANS: Greiner, Chair; Deluhery and Lamberti

**SSB 1096**

AGRICULTURE: Greiner, Chair; Fraise and Veenstra

**SSB 1097**

EDUCATION: Boettger, Chair; Connolly and Rehberg

**SSB 1098**

EDUCATION: Kramer, Chair; Redwine and Soukup

**SSB 1099**

STATE GOVERNMENT: McLaren, Chair; Connolly and Drake

**SSB 1100**

STATE GOVERNMENT: McKean, Chair; Kibbie and King

**SSB 1101**

STATE GOVERNMENT: King, Chair; Kibbie and McKean

**SSB 1102**

STATE GOVERNMENT: Drake, Chair; Connolly and Rittmer

**SSB 1103**

JUDICIARY: Boettger, Chair; Horn and Tinsman

**SSB 1104**

JUDICIARY: Maddox, Chair; Hansen and Miller

**SSB 1105**

JUDICIARY: McKean, Chair; Fraise and Tinsman

**SSB 1106**

JUDICIARY: Redfern, Chair; Hammond and King

**SSB 1107**

JUDICIARY: Maddox, Chair; Fraise and Tinsman

**SSB 1108**

JUDICIARY: Lamberti, Chair; Hammond and Miller

**SSB 1109**

JUDICIARY: King, Chair; Fiagen and Miller

**SSB 1110**

JUDICIARY: Angelo, Chair; Holveck and King

**SSB 1111**

JUDICIARY: Maddox, Chair; Angelo and Fraise

**SSB 1112**

JUDICIARY: Maddox, Chair; Hammond and McKean

**SSB 1113**

WAYS AND MEANS: Redwine, Chair; Flynn and Greiner

**SSB 1114**

WAYS AND MEANS: Lamberti, Chair; Bolkcom and McKibben

**SSB 1115**

JUDICIARY: Redfern, Chair; Hansen and Tinsman

**SSB 1116**

JUDICIARY: Lamberti, Chair; Horn and King

**SSB 1117**

COMMERCE: King, Chair; Flynn, Hansen, Jensen, and Johnson

**COMMITTEE REPORTS****COMMERCE**

**Final Bill Action:** \*SENATE FILE 126 (SSB 1009), a bill for an act permitting state banks to establish additional bank offices, and containing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 126, and they were attached to the committee report.

**EDUCATION**

**Final Bill Action:** SENATE FILE 115 (SSB 1097), a bill for an act relating to establishing the state percent of growth for purposes of the state school foundation program and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Kramer, Redfern, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 3: Harper, McKinley, and Redwine.

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

**HUMAN RESOURCES**

**Final Bill Action:** \*SENATE FILE 114 (SSB 1023), a bill for an act relating to the composition of the medical assistance advisory council.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 114, and they were attached to the committee report.

**NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** SENATE FILE 124 (SSB 1082), a bill for an act renaming the waste management assistance division of the department of natural resources.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, and Miller. Nays, none. Absent or not voting, 2: McLaren and Rittmer.

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

ALSO:

**Final Bill Action:** SENATE FILE 125 (SSB 1029), a bill for an act relating to membership in an interstate wildlife violators compact by the department of natural resources.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, and Miller. Nays, none. Absent or not voting, 2: McLaren and Rittmer.

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

#### STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 127 (SSB 1062), a bill for an act authorizing certain criminal history and abuse record and registry access to the department of inspections and appeals for purposes of data verification and record checks of applicants for employment with the department.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

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

## EVENING SESSION

The Senate reconvened at 6:00 p.m., President Kramer presiding.

## QUORUM CALL

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

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

The Senate stood at ease at 6:17 p.m. until the fall of the gavel for the purpose of party caucuses.

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

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 6, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 191**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

Read first time and attached to **companion Senate File 115**.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 6.

## Senate Resolution 6

On motion of Senator Iverson, **Senate Resolution 6**, a Senate resolution relating to permanent rules of the Senate for the Seventy-ninth General Assembly, was taken up for consideration.

Senator Gronstal asked and received unanimous consent to withdraw amendment S-3011, filed by him on February 5, 2001, to page 33 of the resolution.

Senator Gronstal asked and received unanimous consent to withdraw amendment S-3012, filed by him on February 5, 2001, to page 33 of the resolution.

Senator Bartz offered amendment S-3015, filed by Senator Bartz, et al., on February 5, 2001, to page 48 of the resolution, and moved its adoption.

Amendment S-3015 was adopted by a voice vote.

Senator Iverson moved the adoption of Senate Resolution 6, as amended, which motion prevailed by a voice vote.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 6.

## Senate Concurrent Resolution 6

On motion of Senator Iverson, **Senate Concurrent Resolution 6**, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Seventy-ninth General Assembly, was taken up for consideration.

Senator Bartz offered amendment S-3014, filed by Senator Bartz, et al., on February 5, 2001, to page 16 of the resolution, and moved its adoption.

Amendment S-3014 was adopted by a voice vote.

Senator Iverson moved the adoption of Senate Concurrent Resolution 6, as amended, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 6** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 30.

#### **Senate File 30**

On motion of Senator Rehberg, **Senate File 30**, a bill for an act relating to information included in written promotional materials distributed by the department of economic development, with report of committee recommending passage, was taken up for consideration.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3013, filed by him on February 5, 2001, to page 1 of the bill.

Senator Rehberg asked and received unanimous consent that **House File 103** be **substituted** for **Senate File 30**.

#### **House File 103**

On motion of Senator Rehberg, **House File 103**, a bill for an act relating to information included in written promotional materials distributed by the department of economic development, was taken up for consideration.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller, for the remainder of the day, on request of Senator Freeman.

## BUSINESS PENDING

**House File 103**

The Senate resumed consideration of House File 103.

Senator Hansen offered amendment S-3020, filed by him on February 5, 2001, to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-3020 be adopted?" (H.F. 103), the vote was:

Ayes, 19:

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

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Flynn	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
McLaren	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Miller

Amendment S-3020 lost.

Senator Gronstal offered amendment S-3023, filed by Senator Gronstal, et al., from the floor to page 1 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S-3023 be deferred.

Senator Shearer offered amendment S-3024, filed by Senator Shearer, et al., from the floor to page 1 and to the title page of the bill.

Senator Rehberg raised the point of order that amendment S-3024 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3024 out of order.

Senator McCoy offered amendment S-3025, filed by Senator McCoy, et al., from the floor to page 1 and to the title page of the bill.

Senator Rehberg raised the point of order that amendment S-3025 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3025 out of order.

The Senate resumed consideration of amendment S-3023, previously deferred.

Senator Gronstal moved the adoption of amendment S-3023 and requested a record call.

On the question "Shall amendment S-3023 be adopted?" (H.F. 103), the vote was:

Ayes, 19:

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

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Flynn	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
McLaren	Redfern	Redwine	Rehberg

Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Miller

Amendment S-3023 lost.

President Pro Tempore McKean took the chair at 8:05 p.m.

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

On the question "Shall the bill pass?" (H.F. 103), the vote was:

Ayes, 29:

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

Nays, 20:

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

Absent or not voting, 1:

Miller

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

President Kramer took the chair at 8:55 p.m.

## WITHDRAWN

Senator Rehberg asked and received unanimous consent that **Senate File 30** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 103** be **immediately messaged** to the House.

## SPECIAL GUEST

Senator McCoy welcomed Vincenzo Delicato of Rome, Italy, Minister of Internal Affairs, Immigration Services.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 4.

**Senate Resolution 4**

On motion of Senator Drake, **Senate Resolution 4**, a Senate resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Seventy-ninth General Assembly, was taken up for consideration.

Senator Dvorsky offered amendment S-3017, filed by Senator Dvorsky, et al., on February 5, 2001, to page 5 of the resolution, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-3017 be adopted?" (S.R. 4), the vote was:

Ayes, 20:

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

Nays, 29:

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

Absent or not voting, 1:

Miller

Amendment S-3017 lost.

Senator Hansen offered amendment S-3019, filed by Senator Hansen, et al., on February 5, 2001, to page 5 of the resolution.

Senator Hansen asked and received unanimous consent that action on amendment S-3019 be deferred.

Senator Gronstal offered amendment S-3016, filed by him on February 5, 2001, to page 6 of the resolution, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-3016 be adopted?" (S.R. 4), the vote was:

Ayes, 20:

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

Nays, 29:

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

Absent or not voting, 1:

Miller

Amendment S–3016 lost.

Senator McCoy offered amendment S–3018, filed by Senator McCoy, et al., on February 5, 2001, to page 24 of the resolution, moved its adoption, and requested a record roll call.

On the question “Shall amendment S–3018 be adopted?” (S.R. 4), the vote was:

Ayes, 20:

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

Nays, 29:

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

Absent or not voting, 1:

Miller

Amendment S–3018 lost.

The Senate resumed consideration of amendment S–3019, previously deferred.

Senator Hansen asked and received unanimous consent to withdraw amendment S–3019.

Senator Drake moved the adoption of Senate Resolution 4, which motion prevailed by a voice vote.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 115.

**Senate File 115**

On motion of Senator Boettger, **Senate File 115**, a bill for an act relating to establishing the state percent of growth for purposes of the state school foundation program and providing an applicability date, was taken up for consideration.

Senator Boettger offered amendment S-3021, filed by her from the floor to the title page of the bill, and moved its adoption.

Amendment S-3021 was adopted by a voice vote.

Senator Boettger asked and received unanimous consent that **House File 191** be substituted for **Senate File 115**.

**House File 191**

On motion of Senator Boettger, **House File 191**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 191), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King

Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Greiner

Absent or not voting, 1:

Miller

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

#### WITHDRAWN

Senator Boettger asked and received unanimous consent that **Senate File 115** be **withdrawn** from further consideration of the Senate.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 191** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:10 p.m. until 9:00 a.m. Wednesday, February 7, 2001.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** February 6, 2001, 5:09 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 1049 and 1077.

**Adjourned:** 5:27 p.m.

#### INTRODUCTION OF RESOLUTION

**Senate Resolution 8**, by Dvorsky and Bolkcom, a Senate resolution honoring Christine Grant, former Women's Athletic Director of the University of Iowa.

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

#### INTRODUCTION OF BILLS

**Senate File 128**, by Hammond, a bill for an act relating to the consideration of the historical performance of caretaking functions in the awarding of custody of a child.

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

**Senate File 129**, by Kibbie and Bartz, a bill for an act relating to a tax credit for pollution control and recycling property connected to property used for the care and feeding of livestock.

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

**Senate File 130**, by Tinsman, a bill for an act prohibiting operators from allowing persons under sixteen years of age to ride in an unenclosed area of a motor vehicle not intended for the seating of passengers and providing a penalty.

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

**Senate File 131**, by Tinsman, a bill for an act relating to coverage of neurobiological disorders and substance abuse treatment services for state employees.

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

**Senate File 132**, by Tinsman, a bill for an act relating to third-party payment of health care coverage costs for children under the age of nineteen for treatment of neurobiological disorders and substance abuse.

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

**Senate File 133**, by Redwine, a bill for an act relating to a hunting license preference to real property owners.

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

**Senate File 134**, by Hansen, a bill for an act relating to voter registration signature requirements.

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

**Senate File 135**, by Hansen, a bill for an act relating to ballot print size.

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

**Senate File 136**, by Tinsman and Maddox, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

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

**Senate File 137**, by Tinsman and Maddox, a bill for an act relating to third-party payment of health care coverage for neurobiological disorder treatment services, and providing for a study of third-party payment of substance abuse coverage.

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

**Senate File 138**, by McCoy, a bill for an act extending veterans benefits, preferences, and tax exemptions to certain members of reserve forces of the United States and the Iowa national guard, and providing an effective date for property tax exemption claims.

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

**Senate File 139**, by committee on Judiciary, a bill for an act relating to a person eighteen years of age or older within the jurisdiction of the juvenile court.

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

**Senate File 140**, by committee on Ways and Means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, lowering the threshold amount for making estimated payments for corporations and financial institutions, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date.

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

**Senate File 141**, by committee on Ways and Means, a bill for an act relating to the allocation of program job credits to program costs under the accelerated career education program and providing effective and retroactive applicability dates.

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

## SUBCOMMITTEE ASSIGNMENTS

### Senate File 113

HUMAN RESOURCES: Schuerer, Chair; Hammond and Veenstra

### Senate File 129

WAYS AND MEANS: Rehberg, Chair; Flynn and Greiner

## COMMITTEE REPORTS

### JUDICIARY

**Final Bill Action:** SENATE FILE 139 (SSB 1034), a bill for an act relating to a person eighteen years of age or older within the jurisdiction of the juvenile court.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 2: King and Lamberti.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 140 (SSB 1049), a bill for an act updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, lowering the threshold amount for making estimated payments for corporations and financial institutions, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

ALSO:

**Final Bill Action:** SENATE FILE 141 (SSB 1077), a bill for an act relating to the allocation of program job credits to program costs under the accelerated career education program and providing effective and retroactive applicability dates.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

### AMENDMENTS FILED

S-3021	S.F.	115	Nancy Boettger
S-3022	S.F.	106	Judiciary
S-3023	H.F.	103	Michael E. Gronstal
			Robert E. Dvorsky
			Matt McCoy
			John P. Kibbie
			Jack Holveck
			Mark Shearer
			Thomas Fiegen
			Patrick J. Deluhery
			Mike Connolly
			Bill Fink
			Joe Bolkcom
			Patricia Harper
			Betty A. Soukup
			Johnie Hammond
			Dick L. Dearden
			Eugene S. Fraise
S-3024	H.F.	103	Mark Shearer
			Robert E. Dvorsky
			Matt McCoy
			John P. Kibbie
			Jack Holveck
			Thomas Fiegen
			Tom Flynn
			Dick L. Dearden
			Johnie Hammond
			Patrick J. Deluhery

S-3025

H.F. 103

Mike Connolly  
Bill Fink  
Joe Bolkom  
Patricia Harper  
Betty Soukup  
Eugene Fraise  
Matt McCoy  
Johnie Hammond  
Betty A. Soukup  
Patricia Harper  
Joe Bolkom  
Mike Connolly  
Patrick J. Deluhery  
Tom Flynn  
Dick L. Dearden  
Eugene S. Fraise

# JOURNAL OF THE SENATE

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THIRTY-FIRST CALENDAR DAY  
NINETEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 7, 2001

The Senate met in regular session at 9:00 a.m., President Kramer presiding.

Prayer was offered by the Reverend Mark Gerken, pastor of the Faith Lutheran Church in Adel, Iowa, guest of Senator Johnson.

The Journal of Tuesday, February 6, 2001, was approved.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:11 a.m. until 9:00 a.m. Thursday, February 8, 2001.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 7, 2001, 9:39 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Update on the remediation of agrichemicals program.

**Adjourned:** 10:17 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 7, 2001, 9:40 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; Holveck and McKinley.

**Members Absent:** None.

**Committee Business:** Presentation on value-added agricultural products.

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

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** February 7, 2001, 9:40 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Kibbie and McLaren.

**Members Absent:** None.

**Committee Business:** Presentation by Ted Stilwill, Director of the Department of Education, and Janice Friedel, Administrator, Department of Education.

**Adjourned:** 11:15 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** February 7, 2001, 9:42 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; Dearden and Rittmer.

**Members Absent:** None.

**Committee Business:** Department of Human Rights presented their budget proposals. Department of Public Health presented information on child lead poisoning prevention.

**Adjourned:** 11:49 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 7, 2001, 9:42 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Discussion on HAWK-I program, update on pharmaceutical case management, and follow-up on merit.

**Adjourned:** 11:50 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 7, 2001, 9:40 a.m.

**Members Present:** Angelo, Chair; Dvorsky, Ranking Member; Fraise and Maddox.

**Members Absent:** McKean, Vice Chair.

**Committee Business:** Budget presentation by the Department of Public Safety.

**Adjourned:** 10:20 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** February 7, 2001, 10:05 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Deluhery, Ranking Member; Freeman and Shearer.

**Members Absent:** None.

**Committee Business:** Budget presentation by director of the Iowa Communications Network.

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

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 7, 2001, 9:37 a.m.

**Members Present:** Jensen, Chair; Lamberti, Vice Chair; Soukup, Ranking Member; and Connolly.

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

**Committee Business:** Presentations by the Department of Public Defense, the Civil Air Patrol, and the Iowa State Fair Blue Ribbon Foundation.

**Adjourned:** 10:28 a.m.

**BUSINESS AND LABOR RELATIONS**

**Convened:** February 7, 2001, 1:10 p.m.

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

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

**Committee Business:** Discussion of SSB 1120 and presentations by Kirkwood Community College and Northeast Iowa Community College.

**Adjourned:** 2:10 p.m.

**EDUCATION**

**Convened:** February 7, 2001, 1:06 p.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by Robert Brennan, Director of Iowa Testing Programs.

**Adjourned:** 2:03 p.m.

**TRANSPORTATION**

**Convened:** February 7, 2001, 2:17 p.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Ziemann.

**Members Absent:** None.

**Committee Business:** Passed SF 18. Presentation on biodiesel fuel.

**Adjourned:** 3:15 p.m.

## INTRODUCTION OF BILLS

**Senate File 142**, by Bolkcom, Holveck, Hammond, and Harper, a bill for an act relating to collecting and disseminating information concerning motor vehicle stops.

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

**Senate File 143**, by Zieman, a bill for an act relating to presidential electors' compensation.

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

## GOVERNOR'S ITEM VETO MESSAGE

February 6, 2001

The Honorable Mary Kramer  
President of the Senate  
State Capitol  
L O C A L

Dear President Kramer:

I hereby transmit Senate File 65, an Act providing supplemental funding for the Low Income Home Energy Assistance Program (LIHEAP) for the current fiscal year.

As energy prices nationwide began to skyrocket this past winter and the weather conditions continued to become more severe, I called on the federal government to provide adequate funding for the LIHEAP program to assist Iowa's most vulnerable citizens. Following an allocation of over \$16 million in federal Emergency Contingency Awards, the Iowa Division of Community Action Agencies projected the need for an additional \$20 million to maintain the same proportionate level of energy assistance from LIHEAP as the previous year based on an estimated 20 percent increase in eligible households applying for assistance. I responded to this need with a \$20 million solution generated from the extension of the energy efficiency charge from natural gas customers amounting to approximately \$1.94 per customer. Unfortunately, the Republican Legislators rejected this solution, a solution that would have met the needs of low income Iowans.

Republican Leaders in the Legislature devised a plan that they claimed would provide \$15 million to LIHEAP. However, Senate File 65 approved by the Legislature authorizes only \$13,006,346 in state funding to meet the \$20 million need. While the attempt is less than adequate, I am approving relief totaling \$10.5 million for Iowans who now, more than ever, need relief from their high energy bills.

The following sections of Senate File 65 are, therefore, approved on this date with the noted exceptions, which I hereby disapprove.

I approve Section 1 appropriating \$2,343,051 from the Innovations Fund. This action will leave a balance of \$16,772 in the fund resulting in no new projects being funded until it can be sufficiently replenished. Adequate funding must be ensured for the Innovations Fund in future years to continue to maximize efficiencies in state government and realize significant cost savings.

I am unable to approve Section 2 appropriating \$2,446,260 from the Housing Program Fund. This section impacts the Down Payment/Closing Cost Grant Program, the First Home/First Home Plus Program, and the Housing Assistance Fund through a significant reduction in funding. These programs play an essential role in providing decent, safe, and affordable housing to low-income individuals and families in Iowa. The reduction passed by the Legislature will adversely impact the housing opportunities for the very people targeted to receive heating assistance. To accept this section would be taking from the very Iowans we are attempting to help, and I cannot approve this appropriation.

It is with great reluctance that I approve Section 3 appropriating \$4,127,270 of currently unencumbered and unobligated funding from the Groundwater Protection Fund. This fund was created for the specific purpose of protecting Iowa's valuable water resources, and there is an ongoing need for incentives to meet this purpose. However, the transfer of \$4,127,270 from the Solid Waste Account within the Groundwater Protection Fund will not impact current projects and will be used to meet a more immediate need in Iowa today. While Senate File 65 appropriates up to \$6,553,024 from the Groundwater Protection Fund, only \$4,127,270 is currently unencumbered and unobligated and therefore available for transfer.

I approve Section 4 placing a cap on LIHEAP funding for residential weatherization at \$3,305,016. This action results in an additional \$3,040,451 being made available for direct assistance to low-income Iowans. Because weatherization provides a long-term fix for high heating bills by improving the energy efficiency of low-income Iowans' homes, it is penny wise and pound foolish to reduce funding available for permanent prevention. However, I am directing the Division of Community Action Agencies to take the existing carryover from the weatherization fund and apply it to the next program year beginning April 1, 2001. Together with additional federal funding the Division will receive for the next program year, the weatherization program will have approximately \$11 million available as compared to \$9.5 million in estimated actual expenditures for the current year. Therefore, local weatherization programs will maintain an equivalent level and range of services.

I approve Section 5 providing Community Action Agencies the ability to deliver assistance from LIHEAP to low-income Iowans. By placing a cap of \$2,663,921 on the administration of the program, Section 5 provides an additional \$1,049,314 in LIHEAP payments.

I approve Section 6 establishing a limit of \$715,000 on expenditures for assessment and resolution of energy problems.

I approve Section 7 dedicating all federal emergency funding in excess of the original core funding for LIHEAP to assist eligible households meet their home energy costs. Any future appropriations shall be used as direct assistance to those Iowans most in need.

While unfortunately this is not enough funding to meet the need that currently exists, this Act provides a significant amount of funding that will ease the pressure on some working families, senior citizens, and people with disabilities forced to decide between buying food, buying prescription drugs, or paying their heating bill.

For the above reasons, I hereby respectfully approve Senate File 65 with the exceptions noted above. While approval of this Act will provide immediate relief, the long-term answer to this problem is the development of a comprehensive energy policy for the state to ensure a reliable supply and stable price.

Sincerely,  
THOMAS J. VILSACK  
Governor

## STUDY BILLS RECEIVED

### **SSB 1118      Commerce**

Relating to the Iowa individual health benefit reinsurance association and the Iowa comprehensive health insurance association, by changing the board of directors, membership, assessment, and premium tax offset related to the associations.

### **SSB 1119      Transportation**

Relating to agricultural promotion and education by establishing a fund, providing revenue for the fund from the sale of special license plates, and making an appropriation.

### **SSB 1120      Business and Labor Relations**

Relating to training requirements for certain child laborers.

### **SSB 1121      Business and Labor Relations**

Relating to title insurance for property or insurance of a certain value, and making related changes.

**SSB 1122      State Government**

Regulating the practice of accounting, establishing fees, providing penalties, and providing an effective date.

**SSB 1123      Commerce**

Relating to insurance, by addressing the operation and regulation of insurance companies, mutual insurance associations, the Iowa insurance guaranty association, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner; by establishing jurisdiction and venue requirements for actions against the Iowa insurance guaranty association; and by setting forth a prohibition of intentional motor vehicle collisions, and providing penalties, repeals, and effective dates.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 119**

COMMERCE: Johnson, Chair; Deluhery and Schuerer

**Senate File 130**

TRANSPORTATION: McCoy, Chair; Drake and Fink

**Senate File 131**

COMMERCE: Johnson, Chair; Hansen and Maddox

**Senate File 132**

COMMERCE: Johnson, Chair; Hansen and Maddox

**Senate File 136**

COMMERCE: Johnson, Chair; Hansen and Maddox

**Senate File 137**

COMMERCE: Johnson, Chair; Hansen and Maddox

**SSB 1118**

COMMERCE: Redwine, Chair; Maddox and McCoy

**SSB 1119**

TRANSPORTATION: McKinley, Chair; Dearden and McLaren

**SSB 1120**

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Hammond and King

**SSB 1121**

BUSINESS AND LABOR RELATIONS: King, Chair; Greiner and Horn

**SSB 1122**

STATE GOVERNMENT: Lamberti, Chair; Connolly and Maddox

**SSB 1123**

COMMERCE: Redfern, Chair; Bolkcom and Freeman

# JOURNAL OF THE SENATE

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THIRTY-SECOND CALENDAR DAY  
TWENTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 8, 2001

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

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

The Journal of Wednesday, February 7, 2001, was approved.

## SPECIAL GUEST

Senator Freeman welcomed Julie Nixon Eisenhower, daughter of former President Richard M. Nixon and daughter-in-law of former President Dwight D. Eisenhower. She addressed the Senate with brief remarks regarding the Jobs for American Graduates (JAG) program.

The Senate rose and expressed its appreciation.

President Pro Tempore McKean took the chair at 9:20 a.m.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 7, 2001, **adopted** the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 6**, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Seventy-ninth General Assembly.

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 8, 2001, **adopted** the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 5**, a concurrent resolution relating to the compensation of chaplains, officers and employees of the Seventy-ninth General Assembly.

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 8, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 8**, a concurrent resolution honoring Herb Plambeck.

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

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:27 a.m. until 1:00 p.m., Monday, February 12, 2001.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** February 7, 2001, 9:35 a.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Flynn, Ranking Member; Hansen and Zieman.

**Members Absent:** None.

**Committee Business:** Discussion on specific departments' budget requests.

**Adjourned:** 11:53 a.m.

#### AGRICULTURE

**Convened:** February 7, 2001, 4:15 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1057 (as amended).

**Adjourned:** 5:20 p.m.

#### COMMERCE

**Convened:** February 7, 2001, 3:05 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Hansen, King, Lundby, Maddox, Redfern and Redwine.

**Members Absent:** Freeman, Jensen, and McCoy (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 3:15 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 8, 2001, 9:52 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Dr. Stanley Johnson, Vice Provost for Extension at ISU, provided an update on extension programs.

**Adjourned:** 10:48 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 8, 2001, 10:05 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; and Holveck.

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

**Committee Business:** Presentation on the Vision Iowa program and Community Attraction and Tourism program.

**Adjourned:** 10:55 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 8, 2001, 10:05 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Presentation by Julie Nixon Eisenhower on Jobs for American Graduates (JAG). Presentation by Leland Tack, Administrator of the Division of Financial and Information Services, Department of Education.

**Adjourned:** 11:17 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 8, 2001, 10:05 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; and Rittmer.

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

**Committee Business:** Presentation on HAWK-I program. Department of Human Rights presented budget requests.

**Adjourned:** 12:03 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 8, 2001, 9:54 a.m.

**Members Present:** Veenstra, Chair; Hammond, Ranking Member; and Harper.

**Members Absent:** Boettger, Vice Chair; and Redwine (both excused).

**Committee Business:** Presentations on status changes in rehabilitation options, DHS Medicaid services, risk pool board proposal and prevention of disabilities policy council, U of I hospital school, and the Olmstead Supreme Court case.

**Adjourned:** 11:22 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 8, 2001, 10:07 a.m.

**Members Present:** Angelo, Chair; McKean, Vice Chair; Dvorsky, Ranking Member; Fraise and Maddox.

**Members Absent:** None.

**Committee Business:** Presentations by Tom Miller, Attorney General; Charles Larson, Sr., Board of Parole; and Kip Kautzky, Director of the Department of Corrections.

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

**APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** February 8, 2001, 10:07 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; and Shearer.

**Members Absent:** Deluhery, Ranking Member; and Freeman (both excused).

**Committee Business:** Presentation by David Bolender, Executive Director of Iowa Public Television.

**Adjourned:** 10:23 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 8, 2001, 10:04 a.m.

**Members Present:** Jensen, Chair; and McKibben.

**Members Absent:** Lamberti, Vice Chair; Soukup, Ranking Member; and Connolly (all excused).

**Committee Business:** Presentation by Department of General Services and Governor's recommendations for the vertical infrastructure program.

**Adjourned:** 11:10 a.m.

## JUDICIARY

**Convened:** February 8, 2001, 12:05 p.m.

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

**Members Absent:** Hansen and McKean (both excused).

**Committee Business:** Approved SSB 1103.

**Adjourned:** 12:40 p.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 8, 2001, 1:04 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Bolkom, Dearden, Freeman, Johnson, Kibbie, Miller, and Rittmer.

**Members Absent:** Black, Deluhery, Drake, Lundby, and McLaren (all excused).

**Committee Business:** Presentation by ISU and USDA on manure management and phosphorus index.

**Adjourned:** 2:04 p.m.

## SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** February 8, 2001, 1:04 p.m.

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

**Members Absent:** Flynn and Veenstra (both excused).

**Committee Business:** Presentation by the Iowa Finance Authority and the Department of Economic Development.

**Adjourned:** 1:52 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 8**, by Iverson, Drake, Rittmer, Horn, Dearden, and Gronstal, a concurrent resolution urging United

States Congressional support for the Railroad Retirement and Survivors Improvement Act.

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

#### INTRODUCTION OF BILLS

**Senate File 144**, by committee on Transportation, a bill for an act requiring contracts for the construction or maintenance of highways to include certain provisions for the restoration of areas in which fill dirt or other materials are to be removed.

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

**Senate File 145**, by Redwine, a bill for an act relating to information to be included in termination of pregnancy reporting.

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

**Senate File 146**, by committee on Judiciary, a bill for an act relating to the tobacco master settlement agreement and providing an effective date.

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

**Senate File 147**, by Fraise, a bill for an act relating to the issuance of special motor vehicle registration plates to members of Iowa's congressional delegation and establishing a fee.

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

**Senate File 148**, by Rehberg, a bill for an act making interest on bonds and notes issued for school infrastructure purposes exempt from state income tax.

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

## STUDY BILLS RECEIVED

### **SSB 1124      Human Resources**

Relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, psychiatric medical institutions for children, group child care providers, juvenile delinquency and child in need of assistance dispositions, and termination of parental rights.

### **SSB 1125      Human Resources**

Relating to child support enforcement, including disclosure of certain juvenile court records to the child support recovery unit, waiting periods for administrative review and adjustment of orders, and federal tax and nontax setoff payments for accrued support, and providing effective dates.

### **SSB 1126      Human Resources**

Relating to and establishing the resuscitation status orders Act, and providing penalties.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 116**

HUMAN RESOURCES: Dvorsky, Chair; Miller and Tinsman

### **Senate File 118**

LOCAL GOVERNMENT: Angelo, Chair; Hansen and Miller

### **Senate File 133**

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

### **SSB 1124**

HUMAN RESOURCES: Bartz, Chair; Hammond, Holveck, Tinsman, and Veenstra

### **SSB 1125**

HUMAN RESOURCES: Schuerer, Chair; Bartz and Shearer

**SSB 1126**

HUMAN RESOURCES: Schuerer, Chair; Harper and Miller

**COMMITTEE REPORTS****JUDICIARY**

**Final Bill Action:** SENATE FILE 146 (SSB 1103), a bill for an act relating to the tobacco master settlement agreement and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Hansen and McKean.

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

**TRANSPORTATION**

**Final Bill Action:** \*SENATE FILE 144 (formerly SF 18), a bill for an act requiring contracts for the construction or maintenance of highways to include certain provisions for the restoration of areas in which fill dirt or other materials are to be removed.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rittmer, Drake, McCoy, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Zieman. Nays, none. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 144, and they were attached to the committee report.

# JOURNAL OF THE SENATE

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THIRTY-SIXTH CALENDAR DAY  
TWENTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 12, 2001

The Senate met in regular session at 1:08 p.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend John Moorlach, pastor of the First United Methodist Church in Indianola, Iowa, guest of Senator Fink.

The Journal of Thursday, February 8, 2001, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

## HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 8, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 63**, a bill for an act relating to child endangerment violations and injuries to a child and providing penalties.

## COMMITTEE ON MEMORIALS

Senator Iverson moved that a committee of six be appointed to ascertain the names of the deceased members of the Senate and that

the committee be authorized to appoint committees to prepare suitable memorial resolutions.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Drake, Chair; Bartz, Connolly, Kibbie, Maddox, and Shearer.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:26 p.m. until 9:00 a.m. Tuesday, February 13, 2001.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Rick Allen Van Voorst, Sioux Center — For achieving the rank of Eagle Scout. Senator Veenstra (02/12/01).

Gary and Matilda Vermeer, Pella — Celebrating your 60th wedding anniversary on February 14, 2001. Senator Veenstra (02/12/01).

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** February 12, 2001, 1:50 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1120 (as amended).

**Adjourned:** 2:40 p.m.

#### COMMERCE

**Convened:** February 12, 2001, 3:40 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkom, Freeman, Gronstal, King, Lundby, Maddox, McCoy, and Redwine.

**Members Absent:** Flynn, Hansen, Jensen, and Redfern (all excused).

**Committee Business:** Approved SSB 1053 and passed SF 47.

**Adjourned:** 3:55 p.m.

#### EDUCATION

**Convened:** February 12, 2001, 1:50 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1022.

**Adjourned:** 2:01 p.m.

## HUMAN RESOURCES

**Convened:** February 12, 2001, 2:40 p.m.

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

**Members Absent:** Hammond, Ranking Member (excused).

**Committee Business:** Subcommittee assignments. Discussed a visit to a community partnership child protection program.

**Adjourned:** 2:45 p.m.

## TRANSPORTATION

**Convened:** February 12, 2001, 2:43 p.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Kibbie, McKinley, McLaren, Sexton, and Ziemann.

**Members Absent:** Freeman and Jensen (both excused).

**Committee Business:** Presentations by Department of Public Safety and the Department of Transportation on safety on Iowa highways.

**Adjourned:** 3:34 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 9**, by Johnson, Jensen, Gaskill, Tinsman, Lundby, Redwine, Boettger, Iverson, Gronstal, Bolkcom, Connolly, Hammond, Dvorsky, and Harper, a concurrent resolution urging third-party coverage for cancer screening.

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

**Senate Resolution 9**, by Kramer, Iverson, and Gronstal, a Senate resolution honoring George C. Finkenauer, Doorkeeper of the Senate.

Read first time under Rule 28 and **passed on file**.

**Senate Resolution 10**, by Kramer, Iverson, and Gronstal, a Senate resolution honoring Everett A. “Sam” Samuelson, Doorkeeper of the Senate.

Read first time under Rule 28 and **passed on file**.

**Senate Resolution 11**, by McKean and Hansen, a Senate resolution requesting the legislative council to appoint a committee to promote truthfulness and honesty in political campaigns.

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

#### INTRODUCTION OF BILLS

**Senate File 149**, by committee on Agriculture, a bill for an act providing for ethanol blended gasoline and providing penalties.

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

**Senate File 150**, by Dvorsky, Hammond, Dearden, Holveck, Fink, Connolly, Horn, Flynn, Shearer, Kibbie, Fiegen, Harper, Gronstal, Black, McCoy, Fraise, Soukup, and Deluhery, a bill for an act relating to the imposition of an additional sentence of mandatory parole or work release for persons convicted of certain criminal offenses.

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

**Senate File 151**, by Dvorsky, Hammond, Bolkom, Dearden, Holveck, Fink, Connolly, Horn, Flynn, Shearer, Fiegen, Harper, Soukup, Gronstal, Black, Kibbie, McCoy, Fraise, and Deluhery, a bill for an act relating to the state minimum hourly wage rate and the hourly wage paid by businesses applying for or receiving state financial assistance.

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

**Senate File 152**, by Dvorsky, Shearer, Hammond, Harper, Fink, Connolly, Deluhery, Kibbie, Horn, Gronstal, Fraise, Fiegen, Bolkom,

Holveck, and Flynn, a bill for an act relating to sales and possession of pistols and revolvers, by requiring a gun-locking device to be provided and related information to be posted in connection with the retail sale of a pistol or revolver.

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

**Senate File 153**, by Dvorsky, Hammond, Harper, Fink, Shearer, Connolly, Deluhery, Kibbie, Horn, Black, McCoy, Gronstal, Fraise, Hansen, Bolcom, Dearden, Soukup, Holveck, Fiegen, and Flynn, a bill for an act extending the community college vocational-technical technology improvement program, and making an appropriation.

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

**Senate File 154**, by Soukup, a bill for an act making a standing appropriation to the school budget review committee for transportation assistance aid to certain school districts.

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

**Senate File 155**, by Harper, Dvorsky, Hammond, Fink, Shearer, Connolly, Deluhery, Kibbie, Horn, Black, McCoy, Gronstal, Fraise, Hansen, Bolcom, Dearden, Soukup, Holveck, Fiegen, and Flynn, a bill for an act making a supplemental appropriation, establishing a teacher compensation reform and student achievement savings account fund, and providing an effective date.

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

**Senate File 156**, by Harper, a bill for an act relating to the issuance of a special fishing or combined fishing and hunting license to military veterans who are residents of this state and are sixty-five years of age or older.

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

**Senate File 157**, by Kibbie, a bill for an act relating to the authority of a city to regulate the application of fertilizers and soil conditioners on residential property.

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

**Senate File 158**, by Connolly, a bill for an act relating to training programs for adult volunteers who work with adolescent youths in after school mentoring programs, and making an appropriation.

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

**Senate File 159**, by Hammond, Harper, Connolly, Deluhery, and Fiegen, a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

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

**Senate File 160**, by Hammond, Harper, Dvorsky, Fink, Shearer, Connolly, Deluhery, Kibbie, Horn, Black, McCoy, Gronstal, Fraise, Bolkcom, Holveck, and Flynn, a bill for an act relating to the appointment of the executive director of the board of educational examiners.

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

**Senate File 161**, by Hammond, Dvorsky, Fink, Shearer, Connolly, Deluhery, Kibbie, Horn, Black, McCoy, Gronstal, Fraise, Bolkcom, Dearden, Fiegen, and Flynn, a bill for an act relating to an appropriation to the state board of regents for fiscal year 2000–2001, providing bonding authorization to the state board of regents for specific capital projects, and providing effective dates.

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

**Senate File 162**, by Hammond, Bolkcom, Holveck, Dearden, Fink, Dvorsky, Connolly, Horn, Flynn, Shearer, Fiegen, Harper, Gronstal, Hansen, Black, Kibbie, McCoy, Fraise, Soukup, and Deluhery, a bill for an act relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services.

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

**Senate File 163**, by Hammond, Bolkcom, Dearden, Holveck, Fink, Dvorsky, Connolly, Deluhery, Horn, Flynn, Shearer, Fiegen, Harper, Gronstal, Hansen, Black, Kibbie, McCoy, Fraise, and Soukup, a bill for an act defining assault to include certain acts which are intended to place another in fear of imminent physical contact.

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

**Senate File 164**, by committee on Education, a bill for an act relating to the administration and care of the Iowa battle flag collection.

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

**Senate File 165**, by King, Greiner, Bartz, Schuerer, Drake, McKinley, Zieman, Jensen, Behn, McKean, Iverson, Angelo, Veenstra, Redwine, Rehberg, Boettger, Freeman, McLaren, Sexton, Rittmer, Lamberti, Miller, and Johnson, a bill for an act enacting the Iowa English language reaffirmation Act of 2001.

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

#### STUDY BILLS RECEIVED

#### **SSB 1127 State Government**

Relating to the regulation of auctions and the licensing of auctioneers and other auction personnel and providing fees, penalties, and an appropriation.

## **SSB 1128      Transportation**

Making modifications to certain transportation-related appropriations, fines, penalties, and salvage theft examination fees and registration fees for vehicles nine model years old or older, and providing an effective date.

### **SUBCOMMITTEE ASSIGNMENTS**

#### **Senate File 110**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Veenstra, Chair; Dvorsky and Greiner

#### **Senate File 111**

EDUCATION: Boettger, Chair; Harper and Tinsman

#### **Senate File 117**

TRANSPORTATION: Rittmer, Chair; Drake and Kibbie

#### **Senate File 148**

WAYS AND MEANS: Rehberg, Chair; Connolly and McKibben

#### **SSB 1046**

(Reassignment)

TRANSPORTATION: Sexton, Chair; Kibbie and Rittmer

#### **SSB 1065**

(Reassignment)

STATE GOVERNMENT: Sexton, Chair; Deluhery and McLaren

#### **SSB 1127**

STATE GOVERNMENT: Sexton, Chair; Jensen and Kibbie

#### **SSB 1128**

TRANSPORTATION: Rittmer, Chair; Drake, Fraise, Kibbie, and Zieman

## COMMITTEE REPORTS

### AGRICULTURE

**Final Bill Action:** \*SENATE FILE 149 (SSB 1057), a bill for an act providing for ethanol blended gasoline and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Fraise, Angelo, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, 1: Behn. Absent or not voting, 1: Bartz.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 149, and they were attached to the committee report.

### EDUCATION

**Final Bill Action:** SENATE FILE 164 (SSB 1022), a bill for an act relating to the administration and care of the Iowa battle flag collection.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

## AMENDMENTS FILED

S-3026	S.F.	100	Johnie Hammond
S-3027	S.F.	100	Johnie Hammond

# JOURNAL OF THE SENATE

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THIRTY-SEVENTH CALENDAR DAY  
TWENTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 13, 2001

The Senate met in regular session at 9:01 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Joseph A. Lambert, pastor of Stratford Lutheran Church in Stratford, Iowa, and Our Savior's Lutheran Church in Stanhope, Iowa, guest of Senators Iverson and Sexton.

Our Savior's Lutheran and Stratford Lutheran Churches in Stanhope, Iowa, guest of Senators Iverson and Sexton.

The Journal of Monday, February 12, 2001, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 12, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 89**, a bill for an act relating to the supervision of curriculum received via the Iowa communications network.

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

**House File 179**, a bill for an act relating to excluding from confinement dogs used by police or correctional officers.

Read first time and referred to the committee on **Local Government**.

**House File 180**, a bill for an act relating to exceptions to the required participation in a court-approved course prior to the

granting of a final dissolution of marriage decree or the entering of a final custody order.

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

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Holveck and Dearden, until they arrive, on request of Senator Gronstal.

#### SPECIAL GUESTS

The Chair welcomed former Doorkeepers of the Senate George C. Finkenauer and Everett A. "Sam" Samuelson.

#### CONSIDERATION OF RESOLUTIONS

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 9.

##### **Senate Resolution 9**

On motion of Senator Iverson, **Senate Resolution 9**, a Senate resolution honoring George C. Finkenauer, Doorkeeper of the Senate, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 9, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Mr. Finkenauer.

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 10.

##### **Senate Resolution 10**

On motion of Senator Iverson, **Senate Resolution 10**, a Senate resolution honoring Everett A. "Sam" Samuelson, Doorkeeper of the Senate, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 10, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Mr. Samuelson.

### RECESS

On motion of Senator Iverson, the Senate recessed at 9:32 a.m. until 5:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Daniel Letsche, Remsen — For achieving the rank of Eagle Scout. Senator Redwine (02/13/01).

Oelwein Huskies, Oelwein — For winning your 1st Conference Title in 25 years. Senator Rehberg (02/13/01).

Catherine Withrow, Le Mars — For being named one of Iowa's top student volunteers in The Prudential Spirit of Community Awards Year 2001. Senator Redwine (02/13/01).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** February 13, 2001, 9:50 a.m.

**Members Present:** Schuerer, Chair; and Zieman.

**Members Absent:** Bartz, Vice Chair; Flynn, Ranking Member; and Hansen (all excused).

**Committee Business:** Discussion on requests for future information.

**Adjourned:** 10:25 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 13, 2001, 9:58 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Overview of the Department of Agriculture and Land Stewardship's operations, update on atrazine research, and discussion on the Hitchcock Nature Center in the Loess Hills.

**Adjourned:** 11:19 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 13, 2001, 10:00 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; Kibbie and McLaren.

**Members Absent:** None.

**Committee Business:** Presentation by Anne Kruse, Executive Director of the Board of Educational Examiners.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 13, 2001, 9:51 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Presentations on Toledo and Eldora training schools, decategorization, children's mental health issues, and PMIC. Motion to pass the Governor's budget on Human Services failed.

**Recessed:** 11:55 a.m.

**Reconvened:** 12:10 p.m.

**Adjourned:** 12:20 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 13, 2001, 10:00 a.m.

**Members Present:** Angelo, Chair; Dvorsky, Ranking Member; Fraise and Maddox.

**Members Absent:** McKean, Vice Chair (excused).

**Committee Business:** Budget presentation by the Judicial Branch.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 13, 2001, 10:00 a.m.

**Members Present:** Jensen, Chair; Soukup, Ranking Member; Connolly and McKibben.

**Members Absent:** Lamberti, Vice Chair (excused).

**Committee Business:** Presentations by Southern Iowa Development and Conservation Authority, Loess Hills Hungry Canyons, and Lewis and Clark Rural Water System.

**Adjourned:** 11:22 a.m.

## JUDICIARY

**Convened:** February 13, 2001, 3:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Subcommittee assignments.

**Adjourned:** 3:17 p.m.

## LOCAL GOVERNMENT

**Convened:** February 13, 2001, 2:13 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Fraise, Gaskill, Johnson, McCoy, McKibben, and Schuerer.

**Members Absent:** Black, Horn, and Zieman (all excused).

**Committee Business:** Approved SSB 1088.

**Adjourned:** 2:25 p.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 13, 2001, 1:05 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

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

**Committee Business:** Dr. Dwaine Bundy from ISU spoke on air quality in the vicinity of swine facilities.

**Adjourned:** 2:10 p.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** February 13, 2001, 1:07 p.m.

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

**Members Absent:** None.

**Committee Business:** Presentation regarding the ISU Pappajohn Center for Entrepreneurship.

**Adjourned:** 1:48 p.m.

**STATE GOVERNMENT**

**Convened:** February 13, 2001, 2:15 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Maddox, McKean, McLaren, Rittmer, and Sexton.

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

**Committee Business:** Approved SSB 1102 (as amended).

**Adjourned:** 2:56 p.m.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 12**, by Maddox, a Senate resolution honoring Theresa J. Uchytel.

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

**INTRODUCTION OF BILLS**

**Senate File 166**, by McKean, a bill for an act creating the state strategic development council and providing an effective date.

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

**Senate File 167**, by Dearden, a bill for an act authorizing the natural resource commission to allow wild turkey hunts by youths in state parks or parts of state parks.

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

**Senate File 168**, by committee on Commerce, a bill for an act relating to the granting of additional cable television franchises by a city.

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

**Senate File 169**, by committee on Commerce, a bill for an act limiting the exemption from regulation of certain persons acting as an attorney in fact regarding certain real estate transactions.

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

**Senate File 170**, by committee on Business and Labor Relations, a bill for an act relating to training requirements for certain child laborers and providing an effective date.

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

**Senate File 171**, by Connolly, a bill for an act establishing a school bond credit enhancement program.

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

**Senate File 172**, by Connolly, a bill for an act relating to advanced placement award programs and providing for the appropriation of moneys.

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

**Senate File 173**, by McKean, Lundby, Fink, and Fraise, a bill for an act relating to state and local land management and planning, and providing effective dates.

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

### STUDY BILLS RECEIVED

#### **SSB 1129      Education**

Extending the regular program district cost guarantee for school districts, and providing an effective date.

#### **SSB 1130      Commerce**

Relating to allocation and payment of expenses arising from performance of duties by the Iowa utilities board and the consumer advocate, and providing an effective date.

#### **SSB 1131      Judiciary**

Increasing civil penalties for certain driver's license suspensions, revocations, or bars.

#### **SSB 1132      Judiciary**

Relating to the state inheritance tax by exempting intangible personal property owned by a person not domiciled in this state; determining the net market value of transfers made within three years of death as the net market value on the date of transfer; exempting the tax only upon the portion of retirement benefits and individual retirement accounts that will be subject to federal income tax when paid; applying compromised settlements for federal estate tax purposes in the same manner for state tax purposes; and requiring deferred estates to be recorded by the department of revenue and finance if tax is not paid when tax accrues; and including an applicability date provision.

#### **SSB 1133      Judiciary**

Relating to the victim rights compensation fund.

**SSB 1134      Judiciary**

Providing for increased penalties for successive violations of court orders for persons who are the subject of certain protective and no-contact orders and making conforming changes.

**SSB 1135      Judiciary**

Creating new criminal offenses related to the drug 3,4-methylenedioxymethamphetamine.

**SSB 1136      Judiciary**

Relating to the crime of forgery and entry into the United States.

**SSB 1137      State Government**

Relating to a recount of votes cast in an election.

**SSB 1138      State Government**

Relating to campaign finance law, including electronic filing of disclosure reports by certain candidates, requiring certain supplemental reports, providing for disclosures in relation to certain political telephone communications, requiring disclosure of certain information in conjunction with certain contributions, providing an effective date, and applying a penalty.

**SSB 1139      State Government**

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

**SSB 1140      State Government**

Providing for the protection of proprietary rights and collection of fees and revenue for software, network designs, and technology applications of the Iowa communications network.

**SSB 1141 State Government**

Requesting that the United States Congress create a standard nationwide time for poll closings in general and congressional elections.

**SSB 1142 Commerce**

Relating to transfers of structured settlement payment rights for tort and workers' compensation claims, providing civil remedies, and an applicability date.

**SSB 1143 Commerce**

Relating to balloon payments on consumer loans secured by a certificate of title in a motor vehicle.

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 9**

COMMERCE: Johnson, Chair; Gronstal and Lundby

**Senate Resolution 11**

STATE GOVERNMENT: McKean, Chair; Kibbie and McLaren

**Senate File 120**

STATE GOVERNMENT: King, Chair; Deluhery and Maddox

**Senate File 121**

STATE GOVERNMENT: McKean, Chair; Drake and Kibbie

**Senate File 122**

STATE GOVERNMENT: McLaren, Chair; Connolly and King

**Senate File 123**

STATE GOVERNMENT: McKean, Chair; Bolkcom and King

**Senate File 134**

STATE GOVERNMENT: King, Chair; Fink and McKean

**Senate File 135**

STATE GOVERNMENT: King, Chair; Fink and McKean

**Senate File 138**

STATE GOVERNMENT: Drake, Chair; Jensen and Kibbie

**Senate File 143**

STATE GOVERNMENT: King, Chair; Bolkom and Sexton

**Senate File 151**

BUSINESS AND LABOR RELATIONS: King, Chair; Greiner and Horn

**Senate File 153**

APPROPRIATIONS: Redfern, Chair; Horn and Jensen

**Senate File 155**

APPROPRIATIONS: Kramer, Chair; Connolly and Redfern

**Senate File 158**

APPROPRIATIONS: Redfern, Chair; Angelo and Horn

**Senate File 161**

APPROPRIATIONS: Redfern, Chair; Bolkom and Jensen

**Senate File 162**

APPROPRIATIONS: Veenstra, Chair; Hammond and Tinsman

**Senate File 165**

STATE GOVERNMENT: King, Chair; Kibbie and Lamberti

**SSB 1129**

EDUCATION: Boettger, Chair; Connolly and Redfern

**SSB 1130**

COMMERCE: Johnson, Chair; Deluhery and Freeman

**SSB 1131**

JUDICIARY: McKean, Chair; Hansen and Tinsman

**SSB 1132**

JUDICIARY: Miller, Chair; Fraise and King

**SSB 1133**

JUDICIARY: Maddox, Chair; Angelo and Hammond

**SSB 1134**

JUDICIARY: Angelo, Chair; Holveck and Tinsman

**SSB 1135**

JUDICIARY: McKean, Chair; Horn and Lamberti

**SSB 1136**

JUDICIARY: Angelo, Chair; Hammond and McKean

**SSB 1137**

STATE GOVERNMENT: King, Chair; Kibbie and McKean

**SSB 1138**

STATE GOVERNMENT: Lamberti, Chair; Deluhery and King

**SSB 1139**

STATE GOVERNMENT: Sexton, Chair; Kibbie and King

**SSB 1140**

STATE GOVERNMENT: King, Chair; Bolkcom and Lamberti

**SSB 1141**

STATE GOVERNMENT: King, Chair; Kibbie and Maddox

**SSB 1142**

COMMERCE: Redfern, Chair; Deluhery and Schuerer

**SSB 1143**

COMMERCE: Freeman, Chair; Maddox and McCoy

## COMMITTEE REPORTS

### BUSINESS AND LABOR RELATIONS

**Final Bill Action:** \*SENATE FILE 170 (SSB 1120), a bill for an act relating to training requirements for certain child laborers and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Freeman, Greiner, Behn, Hammond, Horn, King, Lundby, McKibben, and Schuerer. Nays, 1: Dearden. Absent or not voting, 1: Fraise.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Business and Labor Relations Committee on Senate File 170, and they were attached to the committee report.

### COMMERCE

**Final Bill Action:** SENATE FILE 168 (formerly SF 47), a bill for an act relating to the granting of additional cable television franchises by a city.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Johnson, Schuerer, Deluhery, Bolkcom, Freeman, Gronstal, King, Lundby, Maddox, McCoy, and Redwine. Nays, none. Absent or not voting, 4: Flynn, Hansen, Jensen, and Redfern.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 169 (SSB 1053), a bill for an act limiting the exemption from regulation of certain persons acting as an attorney in fact regarding certain real estate transactions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Johnson, Schuerer, Deluhery, Bolkcom, Freeman, Gronstal, King, Lundby, Maddox, McCoy, and Redwine. Nays, none. Absent or not voting, 4: Flynn, Hansen, Jensen, and Redfern.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 169, and they were attached to the committee report.

## AFTERNOON SESSION

The Senate resumed session at 5:04 p.m., President Kramer presiding.

## QUORUM CALL

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

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

CONSIDERATION OF BILL  
(Appropriation Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 66.

**Senate File 66**

On motion of Senator Lamberti, **Senate File 66**, a bill for an act relating to state general fund expenditure limitation requirements for transmission of the state budget by the governor and passage of the state budget by the general assembly, was taken up for consideration.

The Senate stood at ease at 5:08 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 6:06 p.m., President Kramer presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, until he returns, on request of Senator Hansen.

## BUSINESS PENDING

**Senate File 66**

The Senate resumed consideration of Senate File 66.

Senator Gronstal offered amendment S-3032, filed by him from the floor striking everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question, "Shall amendment S-3032 be adopted?" (S.F. 66), the vote was:

Ayes, 11:

Bolkcom	Connolly	Deluhery	Flynn
Fraise	Gronstal	Hammond	Harper
Holveck	Kibbie	Soukup	

Nays, 38:

Angelo	Bartz	Behn	Black
Boettger	Drake	Dvorsky	Fiegen
Fink	Freeman	Gaskill	Greiner
Hansen	Horn	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Dearden

Amendment S-3032 lost.

Senator Gronstal offered amendment S-3033, filed by him from the floor to page 1 of the bill.

Senator Lamberti raised the point of order that amendment S-3033 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3033 out of order.

Senator Connolly offered amendment S-3034, filed by him from the floor to page 1 and to the title page of the bill.

Senator Lamberti raised the point of order that amendment S-3034 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3034 out of order.

Senator Harper offered amendment S-3035, filed by her from the floor to page 1 and to the title page of the bill.

Senator Lamberti raised the point of order that amendment S-3035 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3035 out of order.

Senator Fiegen offered amendment S-3036, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3036 be adopted?" (S.F. 66), the vote was:

Ayes, 19:

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

Nays, 30:

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

Absent or not voting, 1:

Dearden

Amendment S-3036 lost.

Senator Deluhery offered amendment S-3037, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3037 be adopted?" (S.F. 66), the vote was:

Ayes, 19:

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

Nays, 30:

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

Absent or not voting, 1:

Dearden

Amendment S-3037 lost.

Senator Dvorsky offered amendment S-3038, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3038 be adopted?" (S.F. 66), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn

Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

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

Absent or not voting, 1:

Dearden

Amendment S-3038 lost.

Senator Harper offered amendment S-3039, filed by her from the floor to page 1 of the bill.

The Senate stood at ease at 6:47 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 6:54 p.m., President Kramer presiding.

Senator Harper moved the adoption of amendment S-3039.

A record roll call was requested.

On the question "Shall amendment S-3039 be adopted?" (S.F. 66), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Horn	Kibbie	McCoy	Shearer
Soukup			

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner

Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 3:

Dearden	Fraise	Holveck
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Amendment S-3039 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise, until he returns, on request of Senator Kibbie.

### BUSINESS PENDING

### Senate File 66

The Senate resumed consideration of Senate File 66.

Senator Hammond offered amendment S-3040, filed by her 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-3040 be adopted?" (S.F. 66), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
McKibben	Shearer	Soukup	

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox

McKean	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Dearden	Fraise
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Amendment S-3040 lost.

Senator McCoy offered amendment S-3041, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3041 be adopted?" (S.F. 66), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup			

Nays, 31:

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

Absent or not voting, 2:

Dearden	Fraise
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Amendment S-3041 lost.

Senator Hammond offered amendment S-3043, filed by her 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–3043 be adopted?” (S.F. 66), the vote was:

Ayes, 18:

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

Nays, 30:

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

Absent or not voting, 2:

Dearden	Fraise
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Amendment S–3043 lost.

Senator Soukup offered amendment S–3044, filed by her 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–3044 be adopted?” (S.F. 66), the vote was:

Ayes, 18:

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

Nays, 30:

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

Absent or not voting, 2:

Dearden	Fraise
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Amendment S-3044 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, until he returns, on request of Senator Gronstal.

### BUSINESS PENDING

### Senate File 66

The Senate resumed consideration of Senate File 66.

Senator Fiegen offered amendment S-3045, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3045 be adopted?" (S.F. 66), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
Soukup			

Nays, 30:

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

Absent or not voting, 3:

Dearden	Fraise	Shearer
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Amendment S-3045 lost.

Senator Black offered amendment S-3046, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3046 lost by a voice vote.

Senator Black offered amendment S-3047, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3047 lost by a voice vote.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Horn, until he returns, on request of Senator Gronstal.

#### BUSINESS PENDING

### Senate File 66

The Senate resumed consideration of Senate File 66.

Senator Holveck offered amendment S-3048, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3048 be adopted?" (S.F. 66), the vote was:

Ayes, 16:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Holveck	Kibbie	McCoy	Soukup

Nays, 30:

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

Absent or not voting, 4:

Dearden	Fraise	Horn	Shearer
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Amendment S-3048 lost.

Senator Hammond offered amendment S-3049, filed by her 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-3049 be adopted?" (S.F. 66), the vote was:

Ayes, 16:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Holveck	Kibbie	McCoy	Soukup

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren

Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Dearden	Fraise	Horn	Shearer
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Amendment S-3049 lost.

Senator Dvorsky offered amendment S-3050, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3050 be adopted?" (S.F. 66), the vote was:

Ayes, 16:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Holveck	Kibbie	McCoy	Soukup

Nays, 30:

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

Absent or not voting, 4:

Dearden	Fraise	Horn	Shearer
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Amendment S-3050 lost.

Senator Dvorsky offered amendment S-3051, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3051 lost by a voice vote.

Senator Gronstal offered amendment S-3052, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3052 lost by a voice vote.

Senator Fiegen offered amendment S-3053, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3053 lost by a voice vote.

Senator Kibbie offered amendment S-3054, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3054 lost by a voice vote.

Senator Flynn offered amendment S-3055, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3055 lost by a voice vote.

Senator Connolly offered amendment S-3056, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3056 lost by a voice vote.

Senator Flynn offered amendment S-3057, filed by Senators Flynn and Shearer from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3057 lost by a voice vote.

Senator Dvorsky offered amendment S-3058, filed by Senators Dvorsky, Fraise, and Shearer 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-3058 be adopted?" (S.F. 66), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Holveck	Kibbie	McCoy	McKean
Soukup			

Nays, 29:

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

Absent or not voting, 4:

Dearden	Fraise	Horn	Shearer
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Amendment S-3058 lost.

Senator Fink offered amendment S-3059, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3059 be adopted?" (S.F. 66), the vote was:

Ayes, 16:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Hansen	Harper
Holveck	Kibbie	McCoy	Soukup

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg

Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Dearden	Fraise	Horn	Shearer
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Amendment S-3059 lost.

Senator Harper offered amendment S-3060, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3060 lost by a voice vote.

Senator Bolkcom offered amendment S-3042, filed by him from the floor to page 1 of the bill.

Senator Lamberti raised the point of order that amendment S-3042 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3042 out of order.

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

On the question "Shall the bill pass?" (S.F. 66), the vote was:

Ayes, 30:

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

Nays, 17:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Gronstal	Hammond	Hansen	Harper

Holveck  
Soukup

Kibbie

McCoy

Shearer

Absent or not voting, 3:

Dearden

Fraise

Horn

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 66** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:15 p.m. until 9:00 a.m. Wednesday, February 14, 2001.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** February 13, 2001, 10:00 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; and Rittmer.

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

**Committee Business:** Department of Human Rights presented a department overview. Presentations by the LIHEAP and HOPES programs.

**Adjourned:** 11:55 a.m.

#### WAYS AND MEANS

**Convened:** February 13, 2001, 4:36 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 1075 and 1076.

**Adjourned:** 4:50 p.m.

### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 10**, by Maddox and Harper, a concurrent resolution designating March 2001 as Iowa Women's History Month.

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

**Senate Resolution 13**, by Tinsman, a Senate resolution recognizing the Right Reverend C. Christopher Epting.

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

## INTRODUCTION OF BILLS

**Senate File 174**, by Miller, a bill for an act relating to teacher licensing, including the qualifications for licensure, nontraditional practitioner preparation instruction programs, and the employment of an individual who possesses a conditional teaching license.

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

**Senate File 175**, by Connolly, a bill for an act establishing a grant process to provide school districts with resources to implement volunteer student mentoring pilot projects, making an appropriation, and providing emergency rulemaking authority.

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

**Senate File 176**, by Kibbie, Hammond, Harper, Dvorsky, Fink, Shearer, Connolly, Horn, Black, Flynn, McCoy, Gronstal, Fraise, Bolkcom, Dearden, Holveck, and Fiegen, a bill for an act providing for an increase in the community college equipment replacement and facilities levies.

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

**Senate File 177**, by Hammond, Harper, Dvorsky, Fink, Shearer, Connolly, Deluhery, Kibbie, Horn, Hansen, McCoy, Gronstal, Fraise, Black, Bolkcom, Dearden, Soukup, Holveck, Fiegen, and Flynn, a bill for an act relating to healthy and safe families and communities in Iowa by providing for prevention of and response to acts of abuse, providing mental health and substance abuse treatment coverage benefits, modifying the elements of assault and applying penalties, and making appropriations.

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

**Senate File 178**, by Bartz, a bill for an act relating to the contracting by a city of uniformed law enforcement services by the county sheriff.

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

**Senate File 179**, by Bolkcom and Kibbie, a bill for an act providing for special late voter registration to enable an eligible elector to vote at the polling place on election day and providing a durational residency requirement for voting.

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

**Senate File 180**, by Rehberg, a bill for an act relating to the property tax exemption for recycling property and including an applicability date.

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

**Senate File 181**, by Dvorsky, Dearden, Flynn, Shearer, Harper, Kibbie, Fiegen, Fink, Horn, Deluhery, Hammond, Fraise, Soukup, McCoy, Black, Gronstal, Bolkcom, Holveck, Connolly, and Hansen, a bill for an act providing for county mental health, mental retardation, and developmental disabilities allowable growth factor, and making an appropriation.

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

#### BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 13th day of February, 2001:

Senate File 63.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-3028	S.F.	100	Patricia Harper
S-3029	S.F.	62	Mike Sexton
S-3030	S.F.	62	Mike Sexton
S-3031	S.F.	100	Johnie Hammond
S-3032	S.F.	66	Michael E. Gronstal
S-3033	S.F.	66	Michael E. Gronstal
S-3034	S.F.	66	Mike Connolly
S-3035	S.F.	66	Patricia Harper
S-3036	S.F.	66	Thomas L. Fiegen
S-3037	S.F.	66	Patrick J. Deluhery
S-3038	S.F.	66	Robert E. Dvorsky
S-3039	S.F.	66	Patricia Harper
S-3040	S.F.	66	Johnie Hammond
S-3041	S.F.	66	Matt McCoy
S-3042	S.F.	66	Joe Bolkcom
S-3043	S.F.	66	Johnie Hammond
S-3044	S.F.	66	Betty A. Soukup
S-3045	S.F.	66	Thomas L. Fiegen
S-3046	S.F.	66	Dennis H. Black
S-3047	S.F.	66	Dennis H. Black
S-3048	S.F.	66	Jack Holveck
S-3049	S.F.	66	Johnie Hammond
S-3050	S.F.	66	Robert E. Dvorsky
S-3051	S.F.	66	Robert E. Dvorsky
S-3052	S.F.	66	Michael E. Gronstal
S-3053	S.F.	66	Thomas L. Fiegen
S-3054	S.F.	66	John P. Kibbie
S-3055	S.F.	66	Tom Flynn
S-3056	S.F.	66	Mike Connolly
S-3057	S.F.	66	Tom Flynn
			Mark Shearer
S-3058	S.F.	66	Robert E. Dvorsky
			Eugene S. Fraise
			Mark Shearer
S-3059	S.F.	66	Bill Fink
S-3060	S.F.	66	Patricia Harper
S-3061	S.F.	126	Neal Schuerer

# JOURNAL OF THE SENATE

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THIRTY-EIGHTH CALENDAR DAY  
TWENTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 14, 2001

The Senate met in regular session at 9:03 a.m., President Kramer presiding.

Prayer was offered by the Reverend Gary F. Smith, pastor of the First Church of the Nazarene in Oskaloosa, Iowa, guest of Senator Greiner.

The Journal of Tuesday, February 13, 2001, was approved.

## SPECIAL GUESTS

Senator Boettger welcomed the following representatives from the province of Saskatchewan, Canada: Daryl Wiberg, Legislator; Lindy Kasperski, Legislator; Milt Wakefield, Legislator; and Margaret Kleisinger, Assistant to the Speaker. The visitors were here through an exchange program with the Council of State Governments.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:27 a.m. until 5:00 p.m.

## APPENDIX

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Dick Beeman, Osceola — For receiving the Community Service Award from the Rotary and the Chamber of Commerce. Senator McKinley (02/14/01).

### EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 13, 2001, when the vote was taken on amendment S-3039 to Senate File 66. Had I been present, I would have voted "Aye."

JACK HOLVECK

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 14, 2001, 9:38 a.m.

**Members Present:** Gaskill, Chair; Fink and Greiner.

**Members Absent:** Sexton, Vice Chair; and Black, Ranking Member (both excused).

**Committee Business:** Lyle Asell, Interim Director of the Department of Natural Resources, discussed department budget requests.

**Adjourned:** 10:29 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 14, 2001, 9:45 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; Holveck and McKinley.

**Members Absent:** None.

**Committee Business:** Presentation regarding value-added agricultural products by the Department of Agriculture and presentation by Public Employment Relations Board.

**Adjourned:** 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 14, 2001, 9:45 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; and Kibbie.

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

**Committee Business:** Presentations by Anita Walker Jessen, Director of the Department of Cultural Affairs, and Penny Westfall, Commissioner of the Department of Public Safety.

**Adjourned:** 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 14, 2001, 9:47 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; and Harper.

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

**Committee Business:** Discussed fraud payment accountability and the Oversight and Communications subcommittee bill. Presentation by Julie Ingersoll, Department of Human Services, on child care services.

**Adjourned:** 11:52 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** February 14, 2001, 10:05 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Deluhery, Ranking Member; Freeman and Shearer.

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Management on the Governor's technology recommendations for 2001. Presentation on the Enterprise Resource Planning Project.

**Adjourned:** 11:16 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 14, 2001, 9:40 a.m.

**Members Present:** Jensen, Chair; Soukup, Ranking Member; and Connolly.

**Members Absent:** Lamberti, Vice Chair; and McKibben (both excused).

**Committee Business:** Presentations by Loess Hills Alliance and the Des Moines Metropolitan Transit Authority. Legislative Fiscal Bureau gave a report on the Governor's budget recommendations for 2002.

**Adjourned:** 11:40 a.m.

## **BUSINESS AND LABOR RELATIONS**

**Convened:** February 14, 2001, 1:10 p.m.

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

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

**Committee Business:** Approved SSB 1040. Presentation by Department of Elder Affairs.

**Adjourned:** 1:55 p.m.

## **COMMERCE**

**Convened:** February 14, 2001, 3:00 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, and Lundby.

**Members Absent:** Maddox, McCoy, Redfern, and Redwine (all excused).

**Committee Business:** Subcommittee meetings. Passed SCR 9.

**Adjourned:** 3:10 p.m.

## **EDUCATION**

**Convened:** February 14, 2001, 1:04 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed SF 48 and approved SSB 1129.

**Adjourned:** 1:59 p.m.

## **ETHICS**

**Convened:** February 14, 2001, 11:32 a.m.

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

**Members Absent:** None.

**Committee Business:** Discussion of an ethics complaint; complaint unanimously dismissed because it did not meet the standard of violation required.

**Adjourned:** 11:57 a.m.

## HUMAN RESOURCES

**Convened:** February 14, 2001, 2:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 1021 (as amended) and 1069 (as amended).

**Adjourned:** 2:45 p.m.

## TRANSPORTATION

**Convened:** February 14, 2001, 2:07 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed SF 130. Briefing by Mark Wandro, Director of Department of Transportation.

**Adjourned:** 2:45 p.m.

## INTRODUCTION OF BILLS

**Senate File 182**, by Johnson, a bill for an act relating to an individual income tax credit for the purchase of long-term care insurance and including a retroactive applicability date provision.

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

**Senate File 183**, by Johnson, a bill for an act creating an agricultural education collaboration and enhancement support services program, and making an appropriation.

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

**Senate File 184**, by committee on Local Government, a bill for an act relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment.

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

**Senate File 185**, by committee on Ways and Means, a bill for an act relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty.

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

**Senate File 186**, by committee on Ways and Means, a bill for an act providing for a tax levy for the county hospital fund in certain counties and providing an effective date.

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

**Senate File 187**, by Miller, a bill for an act relating to child abuse reporting, classification, determination, and review procedures.

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

**Senate File 188**, by Hammond, a bill for an act relating to the use of a uniform prescription drug information card.

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

**Senate File 189**, by Johnson, a bill for an act relating to the distribution of tax revenues from the local option sales and services tax for school infrastructure purposes collected in a county and providing an effective date.

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

**Senate File 190**, by Harper, Fink, Horn, Hammond, Fraise, Soukup, Bolkcom, and Connolly, a bill for an act relating to adoption of rules by state agencies pertaining to development, acquisition, or disposal of land.

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

**Senate File 191**, by Shearer, Dearden, Flynn, Harper, Kibbie, Fiegen, Fink, Horn, Deluhery, Hammond, Fraise, Soukup, McCoy, Black, Gronstal, Bolkcom, Dvorsky, Holveck, and Connolly, a bill for an act relating to the use of energy efficiency plan-related moneys to provide financial assistance to low-income customers of gas public utilities and providing an effective date.

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

#### STUDY BILLS RECEIVED

##### **SSB 1144 Commerce**

Relating to the licensure of persons acting as insurance producers, providing an effective date, and applying penalties.

##### **SSB 1145 Commerce**

Relating to pay plans for certain employees of the credit union division of the department of commerce.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 157**

LOCAL GOVERNMENT: Schuerer, Chair; Bartz and Horn

**Senate File 177**

APPROPRIATIONS: Veenstra, Chair; Hammond and King

**Senate File 178**

LOCAL GOVERNMENT: Bartz, Chair; McCoy and Zieman

**Senate File 181**

APPROPRIATIONS: Veenstra, Chair; Lamberti and Soukup

**House File 179**

LOCAL GOVERNMENT: Schuerer, Chair; Black and Gaskill

**SSB 1144**

COMMERCE: Johnson, Chair; Hansen and Maddox

**SSB 1145**

COMMERCE: Lundby, Chair; Gronstal and Johnson

**COMMITTEE REPORTS**

**LOCAL GOVERNMENT**

**Final Bill Action:** SENATE FILE 184 (SSB 1088), a bill for an act relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Miller, Angelo, Hansen, Bartz, Fraise, Gaskill, Johnson, McCoy, McKibben, and Schuerer. Nays, none. Absent or not voting, 3: Black, Horn, and Zieman.

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

**WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 185 (SSB 1076), a bill for an act relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

ALSO:

**Final Bill Action:** SENATE FILE 186 (SSB 1075), a bill for an act providing for a tax levy for the county hospital fund in certain counties and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

## AFTERNOON SESSION

The Senate reconvened at 5:00 p.m., President Pro Tempore McKean presiding.

The Senate stood at ease at 5:01 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:12 p.m., President Pro Tempore McKean presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 14, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Joint Resolution 5**, a joint resolution to nullify an administrative rule of the department of revenue and finance relating to the collection of a fee to recover direct costs in the administration of a local option sales and services tax and providing an effective date.

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

ALSO: That the House has on February 14, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 178**, a bill for an act applying child in need of assistance and child abuse provisions to a child whose parent or guardian or the person responsible for the child's care has manufactured or possessed a dangerous substance in a child's presence.

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

**House File 194**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

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

**House File 222**, a bill for an act permitting banks in Iowa to establish additional bank offices, and containing effective dates.

Read first time and attached to **companion Senate File 126**.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKibben, for the day, and Senator Rehberg, until she returns, on request of Senator Boettger; Senator Connolly, for the remainder of the week, on request of Senator Gronstal; and Senator Redfern, until he returns, on request of Senator Drake.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Files 146, 126, 98, 83, 62, and Senate Concurrent Resolution 2.

#### Senate File 146

On motion of Senator Boettger, **Senate File 146**, a bill for an act relating to the tobacco master settlement agreement and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 146), the vote was:

Ayes, 46:

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

Sexton  
Veenstra

Shearer  
Zieman

Soukup

Tinsman

Nays, none.

Absent or not voting, 4:

Connolly

McKibben

Redfern

Rehberg

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

### **Senate File 126**

On motion of Senator Schuerer, **Senate File 126**, a bill for an act permitting state banks to establish additional bank offices, and containing effective dates, was taken up for consideration.

Senator Schuerer offered amendment S-3061, filed by him on February 13, 2001, to the title page of the bill, and moved its adoption.

Amendment S-3061 was adopted by a voice vote.

Senator Schuerer asked and received unanimous consent that **House File 222** be **substituted** for **Senate File 126**.

### **House File 222**

On motion of Senator Schuerer, **House File 222**, a bill for an act permitting banks in Iowa to establish additional bank offices, and containing effective dates, was taken up for consideration.

President Kramer took the chair at 5:30 p.m.

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

On the question "Shall the bill pass?" (H.F. 222), the vote was:

Ayes, 48:

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

Nays, none.

Absent or not voting, 2:

Connolly                      McKibben

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

## WITHDRAWN

Senator Schuerer asked and received unanimous consent that **Senate File 126** be **withdrawn** from further consideration of the Senate.

### Senate File 98

On motion of Senator Behn, **Senate File 98**, a bill for an act concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster, was taken up for consideration.

Senator Shearer offered amendment S-3065, filed by Senator Shearer, et al., from the floor to page 1 and to the title page of the bill.

Senator Behn raised the point of order that amendment S-3065 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3065 out of order.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

### BUSINESS PENDING

### Senate File 98

The Senate resumed consideration of Senate File 98.

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

On the question "Shall the bill pass?" (S.F. 98), the vote was:

Ayes, 47:

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

Nays, none.

Absent or not voting, 3:

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

### Senate File 83

On motion of Senator Angelo, **Senate File 83**, a bill for an act relating to the verification of a uniform citation and complaint issued by a law enforcement agency, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 83), the vote was:

Ayes, 47:

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

Nays, none.

Absent or not voting, 3:

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

### Senate File 62

On motion of Senator Zieman, **Senate File 62**, a bill for an act relating to the processing and distribution of honey in residences, was taken up for consideration.

Senator Sexton offered amendment S-3029, filed by him on February 13, 2001, to page 1 of the bill.

Senator Zieman raised the point of order that amendment S-3029 was not germane to the bill.

The Chair ruled the point not well-taken and the amendment S-3029 in order.

Senator Sexton withdrew amendment S-3029.

Senator Sexton withdrew amendment S-3030, filed by him on February 13, 2001, to page 1 of the bill.

Senator Bartz offered amendment S-3063, filed by him from the floor to page 1 of the bill.

Senator Bartz asked and received unanimous consent that action on amendment S-3063 and **Senate File 62** be **deferred**.

## **Senate Concurrent Resolution 2**

On motion of Senator Iverson, **Senate Concurrent Resolution 2**, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 2, which motion prevailed by a voice vote.

## BUSINESS PENDING

### **Senate File 62**

The Senate resumed consideration of **Senate File 62**, a bill for an act relating to the processing and distribution of honey in residences, and amendment S-3063, previously deferred.

Senator Bartz asked and received unanimous consent to withdraw amendment S-3063.

Senator Hansen offered amendment S-3064, filed by him from the floor to page 1 and to the title page of the bill.

Senator Ziemman raised the point of order that amendment S-3064 was not germane to the bill.

The Chair ruled the point well-taken and the amendment S-3064 out of order.

Senator Ziemman offered amendment S-3066, filed by him from the floor to page 1 of the bill.

Senator Gronstal raised the point of order that amendment S-3066 was not germane to the bill.

The Chair ruled the point not well-taken and the amendment S-3066 in order.

Senator Ziemman moved the adoption of amendment S-3066, which motion prevailed by a voice vote.

President Pro Tempore McKean took the chair at 6:35 p.m.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, for the remainder of the day, on request of Senator Gronstal; and Senators Drake and Kramer, for the remainder of the day, on request of Senator Iverson.

#### BUSINESS PENDING

#### **Senate File 62**

The Senate resumed consideration of Senate File 62.

Senator Ziemman 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. 62), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Lamberti
Maddox	McKean	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Connolly	Drake	Kramer	Lundby
McCoy	McKibben		

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 62, 83, 98, 146, Senate Concurrent Resolution 2, and House File 222** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:50 p.m. until 9:00 a.m. Thursday, February 15, 2001.

## APPENDIX

### COMPANION BILL RECEIVED

On February 14, 2001, **House File 222** was received and attached to companion **Senate File 126** on the Senate calendar.

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** February 14, 2001, 9:43 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; Dearden and Rittmer.

**Members Absent:** None.

**Committee Business:** Presentations by Commission of Veterans Affairs, Iowa Organ Donor Network, and Teen Challenge of the Midlands.

**Adjourned:** 11:39 a.m.

### INTRODUCTION OF BILLS

**Senate File 192**, by Soukup, a bill for an act establishing a primary election for certain candidates nominated for public office by petition.

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

**Senate File 193**, by Bolkcom, a bill for an act relating to ongoing absentee voter status for general elections.

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

**Senate File 194**, by Bartz, a bill for an act relating to redemption of empty beverage containers, creating a container redemption fund, a Robert D. Ray beautiful land fund, and a bottle bill scholarship fund, and providing an effective date.

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

**Senate File 195**, by Fiegen, Dvorsky, Hammond, Holveck, Fink, Connolly, Horn, Flynn, Shearer, Harper, Gronstal, Hansen, Black, Kibbie, McCoy, Fraise, Soukup, and Deluhery, a bill for an act creating new criminal offenses related to the drug 3,4-methylenedioxymethamphetamine.

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

**Senate File 196**, by committee on State Government, a bill for an act relating to conflicts of interest of public officers and employees, including lobbyist and clients reports, and review of documents related to campaign finance disclosure reports.

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

**Senate File 197**, by committee on Business and Labor Relations, a bill for an act extending the community college vocational-technical technology improvement program, and making an appropriation.

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

**Senate File 198**, by committee on Human Resources, a bill for an act relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision.

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

**Senate File 199**, by Shearer, Flynn, Horn, Connolly, Kibbie, Fraise, McCoy, Fink, Deluhery, Dvorsky, Black, and Gronstal, a bill for an act relating to approved equity investments in qualifying businesses and providing tax credits.

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

**Senate File 200**, by Harper, Shearer, Flynn, Hammond, Horn, Fiegen, Connolly, Kibbie, Fraise, McCoy, Soukup, Holveck, Bolkcom, Fink, Deluhery, Dvorsky, Dearden, Black, and Gronstal, a bill for an act providing for the establishment of an advanced telecommunications services community assistance fund.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

**Senate File 201**, by Soukup, a bill for an act relating to increasing the personal needs allowance for residents of health care facilities.

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

**Senate File 202**, by committee on Transportation, a bill for an act prohibiting operators from allowing persons under sixteen years of age to ride in an unenclosed area of a motor vehicle not intended for the seating of passengers and providing a penalty.

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

**Senate File 203**, by committee on Education, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date.

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

## COMMITTEE REPORTS

### BUSINESS AND LABOR RELATIONS

**Final Bill Action:** SENATE FILE 197 (SSB 1040), a bill for an act extending the community college vocational-technical technology improvement program, and making an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Freeman, Greiner, Dearden, Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer. Nays, none. Absent or not voting, none.

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

**COMMERCE**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 9, a concurrent resolution urging third-party coverage for cancer screening.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, and Lundby. Nays, none. Absent or not voting, 4: Maddox, McCoy, Redfern, and Redwine.

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

**EDUCATION**

**Final Bill Action:** SENATE FILE 203 (SSB 1129), a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

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

**HUMAN RESOURCES**

**Final Bill Action:** \*SENATE FILE 198 (SSB 1021), a bill for an act relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 198, and they were attached to the committee report.

**STATE GOVERNMENT**

**Final Bill Action:** \*SENATE FILE 196 (SSB 1102), a bill for an act relating to conflicts of interest of public officers and employees, including lobbyist and clients reports, and review of documents related to campaign finance disclosure reports.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 2: Jensen and Maddox.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 196, and they were attached to the committee report.

## TRANSPORTATION

**Final Bill Action:** \*SENATE FILE 202 (formerly SF 130), a bill for an act prohibiting operators from allowing persons under sixteen years of age to ride in an unenclosed area of a motor vehicle not intended for the seating of passengers and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Rittmer, Drake, McCoy, Dearden, Jensen, Kibbie, and McKinley. Nays, 6: Fink, Fraise, Freeman, McLaren, Sexton, and Zieman. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 202, and they were attached to the committee report.

## AMENDMENTS FILED

S-3062	S.F.	139	Johnie Hammond Thomas Fiegen
S-3063	S.F.	62	Merlin E. Bartz
S-3064	S.F.	62	Steven D. Hansen
S-3065	S.F.	98	Mark Shearer Betty A. Soukup Johnie Hammond Patricia Harper Bill Fink Patrick J. Deluhery Joe Bolkcom Matt McCoy Michael E. Gronstal John P. Kibbie
S-3066	S.F.	62	Mark Zieman
S-3067	S.F.	100	Robert E. Dvorsky

S-3068	S.F.	100	Robert E. Dvorsky Johnie Hammond
S-3069	S.F.	100	Robert E. Dvorsky Johnie Hammond

# JOURNAL OF THE SENATE

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THIRTY-NINTH CALENDAR DAY  
TWENTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 15, 2001

The Senate met in regular session at 9:03 a.m., President Kramer presiding.

Prayer was offered by the Reverend Kenneth N. Kent, pastor of the First United Methodist Church in Fairfield, Iowa, guest of Senator Miller.

The Journal of Wednesday, February 14, 2001, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she arrives, on request of Senator Freeman.

President Pro Tempore McKean took the chair at 9:14 a.m.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:37 a.m. until 4:00 p.m.

## APPENDIX

### COMMUNICATION RECEIVED

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

February 15, 2001

#### MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual Report of the Municipal Fire and Police Retirement System of Iowa for the Fiscal Year Ended June 30, 2000.

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** February 14, 2001, 4:08 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Veenstra, and Zieman.

**Members Absent:** Black and Soukup (both excused).

**Committee Business:** Approved SSB 1085 (as amended).

**Adjourned:** 4:45 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 15, 2001, 9:58 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Patty Judge, Secretary of Agriculture, spoke on the department's budget request.

**Adjourned:** 10:48 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** February 15, 2001, 9:50 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Presentations by Carl Valentine, Consultant, and by Casey Foundation, Department of Management, and juvenile courts.

**Adjourned:** 11:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** February 15, 2001, 10:08 a.m.

**Members Present:** King, Vice Chair; Deluhery, Ranking Member; Freeman and Shearer.

**Members Absent:** Lundby, Chair (excused).

**Committee Business:** Presentations by the National Guard and on the 21st Century Learning project and the RTC portion of the IPTV budget request for FY 2002.

**Adjourned:** 11:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 15, 2001, 9:40 a.m.

**Members Present:** Jensen, Chair; Lamberti, Vice Chair; Soukup, Ranking Member; and McKibben.

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

**Committee Business:** Presentations by the Department of Cultural Affairs, Board of Regents, ISU, U of I, UNI, and by the superintendents of the Iowa School for the Deaf and the Iowa Braille and Sight Saving School.

**Adjourned:** February 15, 2001, 11:07 a.m.

### **INTRODUCTION OF BILLS**

**Senate File 204**, by committee on Education, a bill for an act making an appropriation and allocating moneys to school districts to pay for the costs of making technology available to students attending accredited nonpublic schools.

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

**Senate File 205**, by Rehberg, a bill for an act providing state assistance for pseudorabies vaccinations by the department of agriculture and land stewardship, and providing authority to the executive council to appropriate moneys.

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

**Senate File 206**, by Gronstal, a bill for an act requiring certain criminal defendants to submit a physical specimen for DNA profiling.

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

**Senate File 207**, by Dvorsky, Flynn, Harper, Hammond, Horn, Shearer, Fiegen, Connolly, Kibbie, Fraise, McCoy, Soukup, Holveck, Bolkcom, Fink, Deluhery, Dearden, Black, and Gronstal, a bill for an act relating to the workforce development fund.

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

**Senate File 208**, by Flynn, a bill for an act restricting the exemption in the public records law for communications made to government bodies.

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

**Senate File 209**, by Jensen, a bill for an act providing for the control of paratuberculosis, and providing for penalties.

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

**Senate File 210**, by committee on Human Resources, a bill for an act relating to the establishment of a prescription drug assistance program.

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

**Senate File 211**, by committee on Agriculture, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship.

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

**Senate File 212**, by Schuerer, a bill for an act authorizing community empowerment areas to address needs of senior adults.

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

**Senate File 213**, by Kibbie, a bill for an act relating to using persons under the age of eighteen in undercover criminal investigations.

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

**Senate File 214**, by Hansen, a bill for an act relating to an increase in compensation paid to grand and petit jurors for service or attendance.

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

**Senate File 215**, by Hansen, a bill for an act relating to compensation for jurors.

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

## STUDY BILL RECEIVED

### **SSB 1146      Business and Labor Relations**

Relating to workers' compensation by providing for confidentiality of records, treatment of limited liability partnerships, certain filing requirements, and exemption from certain collection requirements.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 154**

EDUCATION: Redfern, Chair; Shearer and Tinsman

### **Senate File 160**

EDUCATION: Boettger, Chair; Fink and Rehberg

### **Senate File 171**

EDUCATION: Redfern, Chair; Connolly and Redwine

### **Senate File 172**

EDUCATION: Boettger, Chair; Harper and Veenstra

### **Senate File 174**

EDUCATION: Redwine, Chair; Boettger and Soukup

### **Senate File 175**

EDUCATION: Boettger, Chair; Connolly and Tinsman

### **Senate File 176**

EDUCATION: Tinsman, Chair; Harper and Veenstra

### **Senate File 179**

STATE GOVERNMENT: King, Chair; Fink and Jensen

### **Senate File 183**

EDUCATION: Rehberg, Chair; Boettger and Soukup

### **Senate File 187**

HUMAN RESOURCES: Miller, Chair; Dvorsky and Veenstra

### **Senate File 188**

COMMERCE: Redwine, Chair; Deluhery and Freeman

### **Senate File 190**

STATE GOVERNMENT: Lamberti, Chair; Fink and King

**Senate File 191**

APPROPRIATIONS: Tinsman, Chair; Bolkcom and Schuerer

**Senate File 192**

STATE GOVERNMENT: Lamberti, Chair; Deluhery and King

**Senate File 193**

STATE GOVERNMENT: King, Chair; Bolkcom and Lamberti

**Senate File 208**

STATE GOVERNMENT: Drake, Chair; Connolly and Maddox

**House File 89**

EDUCATION: Rehberg, Chair; Redwine and Soukup

**SSB 1146**

BUSINESS AND LABOR RELATIONS: McKibben, Chair; Fraise and King

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** \*SENATE FILE 211 (SSB 1085), a bill for an act relating to the powers and duties of the department of agriculture and land stewardship.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 211, and they were attached to the committee report.

**EDUCATION**

**Final Bill Action:** \*SENATE FILE 204 (formerly SF 48), a bill for an act making an appropriation and allocating moneys to school districts to pay for the costs of making technology available to students attending accredited nonpublic schools.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Boettger, Rehberg, Connolly, Angelo, McKinley, Redfern, Redwine, Tinsman, and Veenstra. Nays, 6: Dvorsky, Fink, Harper, Kramer, Shearer, and Soukup. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 204, and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** \*SENATE FILE 210 (SSB 1069), a bill for an act relating to the establishment of a prescription drug assistance program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 210, and they were attached to the committee report.

## AFTERNOON SESSION

The Senate reconvened at 4:31 p.m., President Kramer presiding.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 14**, by Flynn and Harper, a Senate resolution recognizing Task Force Alpha of the Iowa Army National Guard for its dedication and outstanding performance of duty.

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

## RECESS

On motion of Senator Boettger, the Senate recessed at 4:32 p.m. until the completion of a meeting of the committee on Rules and Administration.

The Senate reconvened at 4:35 p.m., President Kramer presiding.

The Senate stood at ease at 4:36 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:08 p.m., President Kramer presiding.

## SPECIAL GUESTS

The Chair welcomed, at the request of Senators Harper and Redfern, visitors from Latvia, Lithuania, and Estonia. They are with the International Civic Education Exchange Program and are guests of Linda and Jim Martin from Cedar Falls.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dvorsky, for the remainder of the day, on request of Senator Gronstal; Senator Bartz, until he returns, on request of Senator Greiner; and Senator Lundby, until she returns, on request of Senator Freeman.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 9.

**Senate Concurrent Resolution 9**

On motion of Senator Johnson, **Senate Concurrent Resolution 9**, a concurrent resolution urging third-party coverage for cancer screening, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Concurrent Resolution 9, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Files 144 and 94.

**Senate File 144**

On motion of Senator Jensen, **Senate File 144**, a bill for an act requiring contracts for the construction or maintenance of highways to include certain provisions for the restoration of areas in which fill dirt or other materials are to be removed, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 144), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Dearden	Deluhery	Drake
Fiegen	Fink	Flynn	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn

Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Bartz	Connolly	Dvorsky	Fraise
Lundby	Tinsman		

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

### Senate File 94

On motion of Senator Redfern, **Senate File 94**, a bill for an act creating a new criminal offense of escape from custody by a sexually violent predator civilly committed to confinement and providing a penalty, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 94), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Bolkcom	Dearden	Deluhery	Drake
Fiegen	Fink	Flynn	Freeman
Gaskill	Greiner	Gronstal	Hammond

Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Bartz	Connolly	Dvorsky	Fraise
Lundby	Tinsman		

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

## CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Boettger asked and received unanimous consent take up for immediate consideration Senate Concurrent Resolution 4 and Senate Resolution 14.

### **Senate Concurrent Resolution 4**

On motion of Senator McLaren, **Senate Concurrent Resolution 4**, a concurrent resolution requesting that the President of the United States, the Chief of Engineers and Commander of the United States Corps of Engineers, and the United States Congress take action necessary to provide a spring navigation target flow on the Missouri River that is consistent with the needs of landowners and the region's economy, was taken up for consideration.

Senator McLaren moved the adoption of Senate Concurrent Resolution 4, which motion prevailed by a voice vote.

## COMMITTEE REPORT

### **RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE RESOLUTION 14, a Senate resolution recognizing Task Force Alpha of the Iowa Army National Guard for its dedication and outstanding performance of duty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Iverson.

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

### **Senate Resolution 14**

On motion of Senator Flynn, **Senate Resolution 14**, a Senate resolution recognizing Task Force Alpha of the Iowa Army National Guard for its dedication and outstanding performance of duty, with report of committee recommending passage, was taken up for consideration.

Senator Flynn moved the adoption of Senate Resolution 14, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 94 and 144** and **Senate Concurrent Resolutions 4 and 9** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:35 p.m. until 1:00 p.m. Monday, February 19, 2001.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** February 15, 2001, 9:55 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkom, Ranking Member; and Rittmer.

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

**Committee Business:** Budget overviews by the Department for the Blind and the Governor's Office of Drug Control.

**Adjourned:** 11:39 a.m.

#### JUDICIARY

**Convened:** February 15, 2001, 3:15 p.m.

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

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

**Committee Business:** Approved SSBs 1024, 1052, 1105, 1111 (as amended), and 1136.

**Adjourned:** 4:30 p.m.

#### LOCAL GOVERNMENT

**Convened:** February 15, 2001, 2:10 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Gaskill, Johnson, McCoy, McKibben, Schuerer, and Zieman.

**Members Absent:** Fraise and Horn (both excused).

**Committee Business:** Passed SF 31 (as amended).

**Adjourned:** 3:05 p.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 15, 2001, 1:05 p.m.

**Members Present:** Sexton, Chair; Fink, Ranking Member; Bolkom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, Miller, and Rittmer.

**Members Absent:** Bartz, Vice Chair; Black and McLaren (all excused).

**Committee Business:** Presentation by the Waste Management Assistance Division of the DNR on transfer station tonnage fees.

**Adjourned:** 2:02 p.m.

## RULES AND ADMINISTRATION

**Convened:** February 15, 2001, 4:31 p.m.

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

**Members Absent:** Iverson, Chair (excused).

**Committee Business:** Passed SR 14.

**Adjourned:** 4:33 p.m.

## STATE GOVERNMENT

**Convened:** February 15, 2001, 2:10 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

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

**Committee Business:** Approved SSB 1141 and SR 11.

**Adjourned:** 3:15 p.m.

## INTRODUCTION OF BILLS

**Senate File 216**, by Kibbie, a bill for an act providing for the identification of meat products processed in this state and providing penalties.

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

**Senate File 217**, by Kibbie, Dearden, Flynn, Shearer, Harper, Fiegen, Fink, Horn, Deluhery, Hammond, Fraise, Soukup, McCoy,

Bolkcom, Dvorsky, Holveck, Connolly, and Hansen, a bill for an act regulating the siting of confinement feeding operations by counties.

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

**Senate File 218**, by Kibbie, Flynn, Shearer, Harper, Fiegen, Fink, Horn, Hammond, Fraise, Soukup, Black, Bolkcom, Dvorsky, and Connolly, a bill for an act relating to fuels for motor vehicles, by providing for motor vehicle fuel standards, providing for the transportation, sale, and dispensing of motor fuels, providing for tax revenues, and making penalties applicable.

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

**Senate File 219**, by Kibbie, Connolly, Horn, Soukup, Black, Holveck, Dvorsky, Hammond, Fiegen, Harper, Dearden, Fraise, Hansen, Shearer, Bolkcom, Fink, McCoy, Flynn, and Gronstal, a bill for an act prohibiting the publication of false or misleading information in political advertisements, and applying a penalty.

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

**Senate File 220**, by Fink, Deluhery, Gronstal, Holveck, Horn, Maddox, Angelo, and Rittmer, a bill for an act relating to safe transportation for railway employees and making penalties applicable.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 145**

HUMAN RESOURCES: Bartz, Chair; Behn and Shearer

### **Senate File 156**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bartz and Deluhery

**Senate File 167**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Lundby and McLaren

**Senate File 180**

WAYS AND MEANS: McKinley, Chair; Greiner and Holveck

**Senate File 182**

WAYS AND MEANS: Redwine, Chair; Bolkcom and Miller

**Senate File 189**

WAYS AND MEANS: Rehberg, Chair; Bolkcom and McKinley

**Senate File 194**

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

**Senate File 199**

WAYS AND MEANS: Miller, Chair; Drake and Holveck

**Senate File 201**

HUMAN RESOURCES: Veenstra, Chair; Harper and Schuerer

**Senate File 212**

HUMAN RESOURCES: Schuerer, Chair; Harper and Miller

**House Joint Resolution 5**

WAYS AND MEANS: Maddox, Chair; Harper and Redwine

**House File 178**

HUMAN RESOURCES: Boettger, Chair; Holveck and Miller

**AMENDMENT FILED**

S-3070      S.F. 149      Jeff Angelo

# JOURNAL OF THE SENATE

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FORTY-THIRD CALENDAR DAY  
TWENTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 19, 2001

The Senate met in regular session at 1:04 p.m., President Kramer presiding.

Prayer was offered by Bridget Prins, Governor of the Iowa American Legion Auxiliary Girls State. She is from Sibley-Ocheyedan High School and was a guest of Senator Veenstra.

The Journal of Thursday, February 15, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Greiner, Jensen, and McKean, until they arrive, on request of Senator Iverson; and Senator Fraise, for the week, on request of Senator Hammond.

## BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 197 and 204** be referred from the Regular Calendar to the committee on **Appropriations**.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:15 p.m. until 9:00 a.m. Tuesday, February 20, 2001.

## APPENDIX

### ANNOUNCEMENT OF APPOINTMENTS BY THE SENATE MAJORITY AND MINORITY LEADERS

\*Indicates appointment mandated by statute

#### IOWA LEGISLATIVE COUNCIL

(Iowa Code section 2.41) (Expires 2/24/2003)

\*Stewart Iverson, Jr.  
 \*Mary E. Kramer  
 \*Jeff Lamberti  
 \*Andrew J. McKean  
 \*Michael E. Gronstal  
 \*Tom Flynn  
 Nancy J. Boettger  
 Joe Bolkcom  
 Michael W. Connolly  
 Johnie Hammond  
 John W. Jensen  
 Neal Schuerer

#### IOWA LEGISLATIVE COUNCIL COMMITTEES

(Iowa Code section 2.45) (Expires 2/24/2003)

##### ADMINISTRATION

Neal Schuerer, Chair  
 Michael W. Connolly  
 John W. Jensen

##### CAPITAL PROJECTS

John W. Jensen, Chair  
 Nancy J. Boettger  
 Joe Bolkcom  
 Tom Flynn  
 \*Jeff Lamberti

##### FISCAL

\*Jeff Lamberti, Chair  
 \*Tom Flynn  
 \*Patricia Harper  
 \*Larry McKibben  
 Neal Schuerer

##### INTERNATIONAL RELATIONS

Nancy J. Boettger, Vice Chair  
 Dennis H. Black  
 William "Bill" Fink  
 Gene Fraise  
 Jack Holveck  
 Steve King  
 Andrew J. McKean  
 Derryl McLaren  
 Maggie Tinsman

##### SERVICE

Mary E. Kramer, Vice Chair  
 Michael E. Gronstal  
 Andrew J. McKean

##### STUDIES

Stewart Iverson, Jr., Vice Chair  
 Nancy J. Boettger  
 Michael E. Gronstal  
 Johnie Hammond  
 Mary E. Kramer

ANNOUNCEMENT OF APPOINTMENTS BY THE  
PRESIDENT OF THE SENATE

AGRICULTURAL EDUCATION ADVISORY COUNCIL

(Iowa Code section 256.32) (Expires 1/13/2003)

Thomas L. Fiegen

AGRICULTURAL ENERGY MANAGEMENT ADVISORY COUNCIL

(Iowa Code section 161B.1) (Expires 1/13/2003)

Jeff Angelo

Gene Fraise

CAPITOL PLANNING COMMISSION

(Iowa Code section 18A.2)

John W. Jensen (Expires 4/30/2003)

Robert E. Dvorsky (Expires 4/30/2005)

COLLEGE STUDENT AID COMMISSION

(Iowa Code section 261.1) (Expires 6/30/2003)

Donald B. Redfern

COMMISSION ON ELDER AFFAIRS

(Iowa Code section 231.11) (Expires 4/30/2003)

Joe Bolkcom

Sheldon Rittmer

COMMITTEE ON THE STATUS OF WOMEN

(Iowa Code section 216A.52)

Gene Maddox (Expires 1/31/2003)

Patricia Harper (Expires 1/31/2005)

COMMUNICATIONS REVIEW COMMITTEE

(Iowa Code section 2.35) (Expires 1/13/2003)

Merlin E. Bartz

Robert E. Dvorsky

Steve King

COMMUNITY COLLEGE WORKING GROUP OF STAKEHOLDERS

(Iowa Code section 256.31) (Expires 1/13/2003)

John P. (Jack) Kibbie

Mike Sexton

ENERGY FUND DISBURSEMENT COUNCIL

(Iowa Code section 473.11) (Expires 1/13/2003)

Joe Bolkcom

Mary Lou Freeman

INFORMATION TECHNOLOGY COUNCIL

(Iowa Code section 14B.105) (Expires 1/13/2003)

Robert E. Dvorsky

Mary A. Lundby

## IOWACCESS ADVISORY COUNCIL

(Iowa Code section 14B.201) (Expires 1/13/2003)

Robert E. Dvorsky  
Mary A. Lundby

## IOWA COUNCIL FOR EARLY ACCESS

(Federal Law) (Expires 6/30/2004)

Kitty Rehberg

## IOWA ECONOMIC DEVELOPMENT BOARD

(Iowa Code section 15.103) (Expires 1/13/2003)

E. Thurman Gaskill  
Mark Shearer

## IPERS INVESTMENT BOARD

(Iowa Code section 97B.8) (Expires 1/13/2003)

Sheldon Rittmer

## IOWA WORKFORCE DEVELOPMENT BOARD

(Iowa Code section 84A.1A) (Expires 1/13/2003)

Neal Schuerer  
Betty A. Soukup

## LAW ENFORCEMENT ACADEMY COUNCIL

(Iowa Code section 80B.6) (Expires 1/13/2003)

Larry McKibben

## MEDICAL ASSISTANCE COUNCIL

(Iowa Code section 249A.4) (Expires 1/13/2003)

Jack Holveck  
Maggie Tinsman

## RENEWABLE FUEL AND COPRODUCTS ADVISORY COMMITTEE

(Iowa Code section 159A.4) (Expires 1/13/2003)

Jeff Angelo  
William "Bill" Fink

## STATE CHILD CARE ADVISORY COMMITTEE

(Iowa Code section 237A.21) (Expires 4/30/2002)

Kitty Rehberg

ANNOUNCEMENT OF APPOINTMENTS BY THE  
SENATE MAJORITY AND MINORITY LEADERS

## ADMINISTRATIVE RULES REVIEW COMMITTEE

(Iowa Code section 17A.8) (Expires 4/30/2003)

Merlin E. Bartz  
Patricia Harper  
JoAnn Johnson  
John P. (Jack) Kibbie  
Sheldon Rittmer

## ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

(Iowa Code section 28J.2) (Expires 2/1/2003)

Gene Fraise

Steve King

## BOARD OF TRUSTEES FOR STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

(Iowa Code section 411.36) (Expires 4/30/2002)

Wally E. Horn

Mary A. Lundby

## CHILD SUPPORT ADVISORY COMMITTEE

(Iowa Code section 252B.18) (Expires 1/13/2003)

Nancy J. Boettger

Dick Dearden

## CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL

(Iowa Code section 216A.132)

Robert E. Dvorsky (Expires 4/30/2001)

Gene Maddox (Expires 4/30/2002)

## EDUCATION COMMISSION OF THE STATES

(Iowa Code section 272B.2) (Expires 6/30/2003)

Michael W. Connolly

Mary E. Kramer

## HAWK-I BOARD

(Iowa Code section 514I.5) (Expires 1/13/2003)

Johnie Hammond

Ken Veenstra

## INTERNATIONAL RELATIONS ADVISORY COUNCIL

(Iowa Code section 2D.1) (Expires 1/24/2003)

Dennis H. Black

Nancy J. Boettger

Andrew J. McKean

## INTERSTATE COOPERATION COMMISSION

(Iowa Code section 28B.1) (Expires 2/1/2003)

Jerry Behn

Richard Drake

Steven D. Hansen

John P. (Jack) Kibbie

Mary A. Lundby

## IOWA EMPOWERMENT BOARD

(Iowa Code section 28.3) (Expires 1/13/2003)

Nancy J. Boettger

Betty A. Soukup

Maggie Tinsman

## PREVENTION OF DISABILITIES POLICY COUNCIL

(Iowa Code section 225B.3) (Expires 1/13/2003)

Thomas L. Fiegen  
Mark Ziemann

## PUBLIC RETIREMENT SYSTEMS COMMITTEE

(Iowa Code section 97D.4) (Expires 1/31/2003)

Michael W. Connolly  
John P. (Jack) Kibbie  
Steve King  
Paul McKinley  
Sheldon Rittmer

## RURAL HEALTH AND PRIMARY CARE ADVISORY COMMITTEE

(Iowa Code section 135.107) (Expires 1/13/2003)

Thomas L. Fiegen  
Ken Veenstra

## SENATE LEGISLATIVE ETHICS COMMITTEE

(Iowa Code section 68B.31) (Expires 1/13/2003)

Michael W. Connolly  
Dick Dearden  
Richard Drake  
John P. (Jack) Kibbie  
Andrew J. McKean  
Sheldon Rittmer

## SENIOR LIVING COORDINATING UNIT

(Iowa Code section 231.58) (Expires 1/13/2003)

Nancy J. Boettger  
Patrick J. DeluherySTATE COUNTY MANAGEMENT COMMITTEE OF THE DEPARTMENT OF  
HUMAN SERVICES (Iowa Code section 331.438) (Expires 1/13/2003)Mark Shearer  
Maggie Tinsman

## TOBACCO USE PREVENTION AND CONTROL COMMISSION

(Iowa Code section 142A.3) (Expires 1/13/2003)

Johnie Hammond  
Maggie TinsmanCITIZEN APPOINTMENTS

## PERSONAL ASSISTANCE AND FAMILY SUPPORT SERVICES COUNCIL

(Iowa Code section 225C.48)

Pat Gerke (Expires 6/30/2002)  
Ray Gerke (Expires 6/30/2002)  
Sue Lambert (Expires 6/30/2003)

## TEMPORARY REDISTRICTING ADVISORY COMMISSION

(Iowa Code section 42.5)

Joseph O'Hern  
Linda Primmer

## COMMUNICATIONS RECEIVED

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

February 19, 2001

## DEPARTMENT FOR THE BLIND

2000 Annual Report for the Iowa Department for the Blind, as pursuant to Iowa Code section 216B.7.

Report on Purchase of Products with Recycled Content, pursuant to Iowa Code section 216B.3, subsection 12(d).

## REPORTS OF COMMITTEE MEETINGS

**BUSINESS AND LABOR RELATIONS**

**Convened:** February 19, 2001, 2:15 p.m.

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

**Members Absent:** Fraise, Hammond, and Lundby (all excused).

**Committee Business:** Presentations by Commissioner of Iowa Workers' Compensation and Commissioner of Iowa Department of Labor.

**Adjourned:** 3:10 p.m.

**EDUCATION**

**Convened:** February 19, 2001, 2:11 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1098.

**Adjourned:** 2:50 p.m.

## HUMAN RESOURCES

**Convened:** February 19, 2001, 3:07 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1079 (as amended) and passed SF 116.

**Adjourned:** 3:31 p.m.

## TRANSPORTATION

**Convened:** February 19, 2001, 3:15 p.m.

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

**Members Absent:** Fraise and McLaren (both excused).

**Committee Business:** Update by the DOT on soydiesel pilot projects.

**Adjourned:** 3:58 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 11**, by committee on State Government, a concurrent resolution requesting that the United States Congress create a standard nationwide time for poll closings in general and congressional elections.

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

## INTRODUCTION OF BILLS

**Senate File 221**, by committee on Judiciary, a bill for an act establishing the interstate compact for adult criminal offender supervision and providing a contingent effective date.

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

**Senate File 222**, by committee on Judiciary, a bill for an act relating to the statute of limitations in civil actions arising out of the unsafe or defective condition of an improvement to real property.

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

**Senate File 223**, by committee on Judiciary, a bill for an act relating to the crime of forgery and entry into the United States.

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

**Senate File 224**, by committee on Judiciary, a bill for an act relating to exceptions to the required participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order.

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

**Senate File 225**, by committee on Judiciary, a bill for an act relating to an indigent criminal defendant seeking postconviction relief and to the applicability of the Iowa administrative procedures Act to postconviction actions.

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

**Senate File 226**, by committee on Local Government, a bill for an act relating to the limitation on property taxes for cities and counties, allowing a property tax levy to fund state mandates, limiting the property tax exemption for pollution control property, and providing for the Act's applicability.

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

**Senate File 227**, by Hansen, Hammond, Harper, Horn, Flynn, Shearer, Fiegen, Connolly, Kibbie, Fraise, McCoy, Soukup, Holveck, Bolkcom, Fink, Deluhery, Dvorsky, Dearden, Black, and Gronstal, a bill for an act establishing a housing trust fund and providing for the transfer of certain moneys to the fund.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism.**

**Senate File 228**, by Freeman, a bill for an act relating to the crime of indecent exposure.

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

**Senate File 229**, by Gronstal, a bill for an act establishing a procedure for a criminal defendant to obtain fingerprint testing or DNA profiling after a conviction.

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

**Senate File 230**, by Kibbie and Connolly, a bill for an act permitting certain transfers of campaign funds when a candidate's committee dissolves and after a candidate has not served in public office for a stated number of years.

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

**Senate File 231**, by Freeman, a bill for an act relating to disposing and recycling waste oil filters and establishing a fee.

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

**Senate File 232**, by Johnson and Hammond, a bill for an act requiring the use of a uniform prescription drug information card by providers of third-party payment or prepayment of prescription drug expenses.

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

**Senate File 233**, by Sexton, a bill for an act relating to a scheduled fine for failure to complete a deer or wild turkey harvest report.

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

**Senate File 234**, by Kibbie, Hammond, Harper, Horn, Flynn, Shearer, Fiegen, Connolly, Hansen, Fraise, McCoy, Soukup, Holveck,

Bolkcom, Deluhery, Dvorsky, Dearden, Black, and Gronstal, a bill for an act relating to campaign finance law, including electronic filing of disclosure reports by certain candidates, requiring certain supplemental reports, providing for disclosures in relation to certain political telephone communications, requiring disclosure of certain information in conjunction with certain contributions, providing an effective date, and applying a penalty.

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

**Senate File 235**, by McCoy, Dvorsky, Hammond, Harper, Horn, Fiegen, Connolly, Kibbie, Fraise, Fink, Black, and Gronstal, a bill for an act relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses.

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

**Senate File 236**, by Lundby and McLaren, a bill for an act relating to an individual income tax deduction for federal taxes paid under the Federal Insurance Contributions Act and including a retroactive applicability date provision.

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

**Senate File 237**, by Lundby, a bill for an act relating to the exemption of sales and use taxes on the purchase of precious metals and rare coins by dealers.

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

**Senate File 238**, by Kibbie, Holveck, Soukup, Shearer, Fiegen, Connolly, Fink, Dvorsky, Harper, Hammond, and Gronstal, a bill for an act to prohibit new campaign advertising within five days of an election, and applying penalties.

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

**Senate File 239**, by Rehberg and Zieman, a bill for an act relating to the property tax exemption for recycling property and including an applicability date.

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

### STUDY BILLS RECEIVED

#### **SSB 1147      Local Government**

Relating to the administrative procedures of certain county officers by authorizing the issuance of checks providing for the cancellation of warrants and checks, the disposal of tax lists, and the receipt of electronic payments, specifying tax sale costs and the mailing address for changes of titles and deeds, providing for other properly related matters, and providing an effective date.

#### **SSB 1148      Human Resources**

Providing for the transfer of custody and termination of parental rights for certain newborn infants whose parent voluntarily surrenders physical custody at certain health facilities and providing for immunity from prosecution for child abandonment crimes for such parent, and providing an effective date.

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 197**

APPROPRIATIONS: Lundby, Chair; Soukup and Zieman

#### **Senate File 204**

APPROPRIATIONS: Rehberg, Chair; Connolly and Redfern

#### **Senate File 205**

AGRICULTURE: McLaren, Chair; Fraise and Greiner

#### **Senate File 209**

AGRICULTURE: Kibbie, Chair; Behn and Veenstra

**Senate File 217**

AGRICULTURE: McLaren, Chair; Greiner and Shearer

**Senate File 218**

AGRICULTURE: Angelo, Chair; Behn and Soukup

**House File 179**

LOCAL GOVERNMENT: Zieman, Chair; Angelo and Hansen

**House File 180**

JUDICIARY: Lamberti, Chair; Boettger and Hammond

**SSB 1147**

LOCAL GOVERNMENT: Black, Chair; McKibben and Zieman

**SSB 1148**

HUMAN RESOURCES: Boettger, Chair; Harper and Redwine

**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Independence High School Speech Team, Independence — For your outstanding achievement in speech. Senator Rehberg (02/19/01).

Dr. Dennis Woodruff, D.V.M., Carlisle — For being named “Iowa Veterinarian of the Year.” Senator Fink (02/19/01).

**EXPLANATION OF VOTES**

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 15, 2001, when the votes were taken on Senate Files 94 and 144. Had I been present, I would have voted “Aye” on both.

MERLIN E. BARTZ

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 14 and 15, 2001, when the votes were taken on Senate Files 62, 83, 94, 98, 144, and 146. Had I been present, I would have voted “Aye” on all.

MIKE CONNOLLY

## BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 16, 2001, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 63 – Relating to child endangerment violations and injuries to a child or minor and providing penalties.

## COMMITTEE REPORTS

### JUDICIARY

**Final Bill Action:** \*SENATE FILE 221 (SSB 1111), a bill for an act establishing the interstate compact for adult criminal offender supervision and providing a contingent effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Hammond, Hansen, Horn, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Fraise and King.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 221, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 222 (SSB 1024), a bill for an act relating to the statute of limitations in civil actions arising out of the unsafe or defective condition of an improvement to real property.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Maddox, Redfern, Angelo, Boettger, Hammond, Hansen, King, Lamberti, McKean, and Miller. Nays, 3: Holveck, Fiegen, and Horn. Absent or not voting, 2: Fraise and Tinsman.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 222, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 223 (SSB 1136), a bill for an act relating to the crime of forgery and entry into the United States.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Hammond, Horn, King, Lamberti, McKean, and Tinsman. Nays, 2: Hansen and Miller. Absent or not voting, 1: Fraise.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 224 (SSB 1052), a bill for an act relating to exceptions to the required participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

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

ALSO:

**Final Bill Action:** SENATE FILE 225 (SSB 1105), a bill for an act relating to an indigent criminal defendant seeking postconviction relief and to the applicability of the Iowa administrative procedures Act to postconviction actions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Maddox, Redfern, Angelo, Boettger, Fiegen, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, 2: Holveck and Hammond. Absent or not voting, 1: Fraise.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

## LOCAL GOVERNMENT

**Final Bill Action:** \*SENATE FILE 226 (formerly SF 31), a bill for an act relating to the limitation on property taxes for cities and counties, allowing a property tax levy to fund state mandates, limiting the property tax exemption for pollution control property, and providing for the Act's applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Miller, Angelo, Hansen, Bartz, Black, Gaskill, Johnson, McKibben, Schuerer, and Zieman. Nays, 1: McCoy. Absent or not voting, 2: Fraise and Horn.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 226, and they were attached to the committee report.

#### STATE GOVERNMENT

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 11 (SSB 1141), a concurrent resolution requesting that the United States Congress create a standard nationwide time for poll closings in general and congressional elections.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: King, Lamberti, Kibbie, Drake, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, 4: Bolkcom, Dearden, Deluhery, and Fink. Absent or not voting, 1: Connolly.

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 11, a Senate resolution requesting the legislative council to appoint a committee to promote truthfulness and honesty in political campaigns.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: Connolly.

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

#### AMENDMENT FILED

S-3071

S.F. 211

Sandra Greiner

# JOURNAL OF THE SENATE

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FORTY-FOURTH CALENDAR DAY  
TWENTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 20, 2001

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

Prayer was offered by the Reverend Doug Helton, pastor of the Calvary Baptist Church in St. Charles, Iowa, guest of Senator Johnson.

The Journal of Monday, February 19, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Holveck, until he arrives, and Senator Fiegen, for the week, on request of Senator Gronstal; and Senator McKean, until he arrives, on request of Senator Iverson.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:21 a.m. until 5:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Eric Becker, Dubuque — For achieving the rank of Eagle Scout. Senators Connolly and Flynn (02/20/01).

Eric Beckman, Dubuque — For achieving the rank of Eagle Scout. Senators Connolly and Flynn (02/20/01).

Shaun Gilligan, Dubuque — For achieving the rank of Eagle Scout. Senators Connolly and Flynn (02/20/01).

Tom Hein, Jr., Dubuque — For achieving the rank of Eagle Scout. Senators Connolly and Flynn (02/20/01).

Nick Koppes, Dubuque — For achieving the rank of Eagle Scout. Senators Connolly and Flynn (02/20/01).

Zach Mauss, Dubuque — For achieving the rank of Eagle Scout. Senators Connolly and Flynn (02/20/01).

Jeff Miller, Dubuque — For achieving the rank of Eagle Scout. Senators Connolly and Flynn (02/20/01).

Clint Peacock, Dubuque — For achieving the rank of Eagle Scout. Senators Connolly and Flynn (02/20/01).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** February 20, 2001, 10:09 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Fink and Greiner.

**Members Absent:** Black, Ranking Member.

**Committee Business:** Update on biomass project by Chariton Valley RC&D and presentation by representatives of the Iowa Wine Industry.

**Adjourned:** 11:22 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 20, 2001, 10:02 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; and McKinley.

**Members Absent:** Fiegen, Ranking Member; and Holveck (both excused).

**Committee Business:** Presentation on Regents university economic development programs.

**Adjourned:** 11:30 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 20, 2001, 9:50 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Presentations by Chief Juvenile Court Officers and Teen Challenge program administrators.

**Adjourned:** 11:59 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 20, 2001, 10:07 a.m.

**Members Present:** Angelo, Chair; Dvorsky, Ranking Member; and Maddox.

**Members Absent:** McKean, Vice Chair; and Fraise (both excused).

**Committee Business:** Presentation by Kip Kautzky, Director of the Department of Corrections.

**Adjourned:** 11:14 a.m.

#### **LOCAL GOVERNMENT**

**Convened:** February 20, 2001, 2:13 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Johnson, McCoy, McKibben, and Zieman.

**Members Absent:** Fraise, Gaskill, Horn, and Schuerer (all excused).

**Committee Business:** Approved SSB 1089 and passed HF 179.

**Adjourned:** 2:25 p.m.

#### **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** February 20, 2001, 1:05 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments and update on the license fee increase bill.

**Adjourned:** 1:54 p.m.

### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** February 20, 2001, 1:06 p.m.

**Members Present:** Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Flynn, Greiner, McKinley, and Veenstra.

**Members Absent:** Fiegen, Gaskill, Holveck, and Lamberti (all excused).

**Committee Business:** Approved SSB 1044. Presentation on “Positively Iowa.”

**Adjourned:** 2:07 p.m.

### STATE GOVERNMENT

**Convened:** February 20, 2001, 2:08 p.m.

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

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

**Committee Business:** Passed SF 96.

**Adjourned:** 2:57 p.m.

### INTRODUCTION OF BILLS

**Senate File 240**, by committee on Education, a bill for an act providing for a school investment partnership pilot program.

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

**Senate File 241**, by committee on Human Resources, a bill for an act relating to the confidentiality of certain domestic abuse records.

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

**Senate File 242**, by committee on Human Resources, a bill for an act relating to the rules regarding the authentication of practitioners' verbal orders in hospitals.

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

**Senate File 243**, by Bolkom, a bill for an act relating to the personal needs allowance amount for residents of health care facilities.

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

**Senate File 244**, by Kibbie, Dearden, Flynn, Harper, Fiegen, Fink, Horn, Deluhery, Hammond, Fraise, Soukup, McCoy, Black, Gronstal, Bolkom, Dvorsky, Holveck, Connolly, and Hansen, a bill for an act requiring that a person who owns or controls animals under a production contract is liable for civil penalties arising out of violations of the terms and conditions of a manure management plan signed by the owner of a confinement feeding operation in which the animals are fed.

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

**Senate File 245**, by Lundby, a bill for an act relating to lawn and garden equipment dealership agreements.

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

**Senate File 246**, by King, a bill for an act relating to the application procedure for variances for open burning.

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

**Senate File 247**, by King, a bill for an act relating to releasing information about the human immunodeficiency virus.

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

**Senate File 248**, by Lundby, a bill for an act relating to payment for warranty repairs by a farm equipment or lawn and garden equipment dealer and providing an effective date.

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

**Senate File 249**, by Connolly, a bill for an act relating to the approval and administration of pilot community education programs, and making an appropriation.

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

**Senate File 250**, by Kibbie, Holveck, Soukup, Shearer, Fiegen, Bolkom, Connolly, Fink, Dvorsky, Harper, and Hammond, a bill for an act establishing voluntary expenditure and contribution limits for political campaigns for candidates for the general assembly, and applying penalties.

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

**Senate File 251**, by Hansen, a bill for an act relating to the presidential electors of Iowa and the method by which they cast and certify the votes for United States president and vice president.

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

#### STUDY BILLS RECEIVED

#### **SSB 1149      Judiciary**

Establishing a uniform standard for determination of death.

**SSB 1150      Judiciary**

Relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses.

**SSB 1151      Judiciary**

Relating to the crimes of burglary and forgery and providing penalties.

**SSB 1152      Judiciary**

Relating to the department of corrections by providing for liability of counties for the cost of confinement for sexually violent predators in a department of corrections or department of human services facility, for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, for purchases by a department or agency from Iowa state industries, and for payment of costs related to confinement of certain offenders in county jails.

**SSB 1153      Judiciary**

Relating to the extension of the tobacco settlement authority Act, and providing an effective date.

**SSB 1154      State Government**

Relating to the supervision of curriculum received via the Iowa communications network.

**SSB 1155      State Government**

Relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry.

**SSB 1156      State Government**

Relating to the penalty for improper voting.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 112**

TRANSPORTATION: Rittmer, Chair; Drake and Fink

**Senate File 147**

TRANSPORTATION: Rittmer, Chair; Fraise and McKinley

**Senate File 166**

STATE GOVERNMENT: McKean, Chair; Dearden and Lamberti

**Senate File 194**

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

**Senate File 200**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Gaskill, Chair; Fiegen and Greiner

**Senate File 219**

STATE GOVERNMENT: King, Chair; Connolly and McKean

**Senate File 230**

STATE GOVERNMENT: Rittmer, Chair; Fink and King

**Senate File 234**

STATE GOVERNMENT: King, Chair; Deluhery and Lamberti

**Senate File 236**

WAYS AND MEANS: Redwine, Chair; Connolly and Miller

**Senate File 237**

WAYS AND MEANS: Maddox, Chair; Bolkcom and Redwine

**Senate File 238**

STATE GOVERNMENT: Rittmer, Chair; Bolkcom and King

**Senate File 239**

WAYS AND MEANS: Drake, Chair; Holveck and Redwine

**Senate File 250**

STATE GOVERNMENT: King, Chair; Fink and McKean

**Senate File 251**

STATE GOVERNMENT: King, Chair; Bolkcom and McKean

**House File 194**

JUDICIARY: Holveck, Chair; Miller and Tinsman

**SSB 1149**

JUDICIARY: Redfern, Chair; Horn and King

**SSB 1150**

JUDICIARY: Angelo, Chair; Hansen and Redfern

**SSB 1151**

JUDICIARY: McKean, Chair; Hansen and Maddox

**SSB 1152**

JUDICIARY: McKean, Chair; Angelo and Hammond

**SSB 1153**

JUDICIARY: Lamberti, Chair; Boettger and Fraise

**SSB 1154**

STATE GOVERNMENT: McLaren, Chair; Bolkcom and King

**SSB 1155**

STATE GOVERNMENT: Jensen, Chair; Connolly and Rittmer

**SSB 1156**

STATE GOVERNMENT: Lamberti, Chair; Kibbie and McKean

**COMMITTEE REPORTS**

**EDUCATION**

**Final Bill Action:** SENATE FILE 240 (SSB 1098), a bill for an act providing for a school investment partnership pilot program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Boettger, Rehberg, Angelo, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, 3: Connolly, Dvorsky, and Fink. Absent or not voting, none.

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

## HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 241 (formerly SF 116), a bill for an act relating to the confidentiality of certain domestic abuse records.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 242 (SSB 1079), a bill for an act relating to the rules regarding the authentication of practitioners' verbal orders in hospitals.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 242, and they were attached to the committee report.

## LOCAL GOVERNMENT

**Final Bill Action:** HOUSE FILE 179, a bill for an act relating to excluding from confinement dogs used by police or correctional officers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Miller, Angelo, Hansen, Bartz, Black, Johnson, McCoy, McKibben, and Ziemann. Nays, none. Absent or not voting, 4: Fraise, Gaskill, Horn, and Schuerer.

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

## AFTERNOON SESSION

The Senate reconvened at 5:05 p.m., President Pro Tempore McKean presiding.

## QUORUM CALL

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

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

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Boettger and Kramer, until they return, on request of Senator Iverson; and Senator Horn, for the remainder of the day, on request of Senator Gronstal.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Maddox asked and received unanimous consent to take up for consideration Senate File 186.

**Senate File 186**

On motion of Senator McKibben, **Senate File 186**, a bill for an act providing for a tax levy for the county hospital fund in certain counties and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 186), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn

Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Iverson	Jensen	Johnson	Kibbie
King	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Boettger	Fiegen	Fraise	Horn
Kramer			

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

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 186** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:30 p.m. until 9:00 a.m. Wednesday, February 21, 2001.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### JUDICIARY

**Convened:** February 20, 2001, 3:10 p.m.

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

**Members Absent:** Fiegen and Fraise (both excused).

**Committee Business:** Approved SSBs 1133 (as amended) and 1153.

**Adjourned:** 3:30 p.m.

#### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution 4**, by Angelo and Lamberti, a joint resolution requesting the proposal of an amendment to the Constitution of the United States on the subject of judicial taxation.

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

#### INTRODUCTION OF BILLS

**Senate File 252**, by committee on State Government, a bill for an act concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty.

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

**Senate File 253**, by Angelo, a bill for an act relating to a petition to the court for a hearing on a criminal defendant's restitution plan.

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

**Senate File 254**, by Kibbie, Dearden, Flynn, Shearer, Harper, Fiegen, Fink, Horn, Deluhery, Hammond, Fraise, Soukup, McCoy, Black, Bolkcom, Dvorsky, Connolly, and Hansen, a bill for an act

providing protections for contract producers of agricultural commodities, providing for the administration and enforcement of its provisions, providing penalties, and including applicability and effective date provisions.

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

**Senate File 255**, by Tinsman, a bill for an act relating to a senior living insurance tax credit under the individual income tax and including a retroactive applicability date provision.

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

**Senate File 256**, by Shearer, a bill for an act relating to the termination of a child support order based upon modification of a custody order.

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

## SUBCOMMITTEE ASSIGNMENT

### Senate File 233

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

## COMMITTEE REPORT

### STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 252 (formerly SF 96), a bill for an act concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: McLaren.

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

AMENDMENT FILED

S-3072

S.F. 103

John W. Jensen

# JOURNAL OF THE SENATE

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FORTY-FIFTH CALENDAR DAY  
TWENTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 21, 2001

The Senate met in regular session at 9:00 a.m., President Pro Tempore McKean presiding.

Prayer was offered by John Feller, Doorman for the House of Representatives from Des Moines, Iowa, guest of Senator McKibben. Mr. Feller sang "The Lord's Prayer."

The Journal of Tuesday, February 20, 2001, was approved.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:07 a.m. until 9:00 a.m. Thursday, February 22, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

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

February 21, 2001

#### DEPARTMENT OF PUBLIC SAFETY

Department of Public Safety Iowa 2000 Annual Report.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** February 20, 2001, 9:55 a.m.

**Members Present:** Bartz, Vice Chair; Flynn, Ranking Member; Hansen and Zieman.

**Members Absent:** Schuerer, Chair (excused).

**Committee Business:** Presentations by department heads regarding budgets.

**Adjourned:** 11:52 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** February 21, 2001, 9:53 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Presentation by the DHS on nursing home facilities and presentations regarding Opportunities Unlimited and Village Northwest facilities.

**Adjourned:** 11:12 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** February 21, 2001, 9:42 a.m.

**Members Present:** Angelo, Chair; McKean, Vice Chair; Dvorsky, Ranking Member; and Maddox.

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

**Committee Business:** Presentation on restorative justice.

**Adjourned:** 11:30 a.m.

## BUSINESS AND LABOR RELATIONS

**Convened:** February 21, 2001, 1:15 p.m.

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

**Members Absent:** Fraise and Hammond (both excused).

**Committee Business:** Presentations by representatives of Greater Des Moines Partnership and by DeeZee Manufacturing.

**Adjourned:** 1:50 p.m.

## EDUCATION

**Convened:** February 21, 2001, 1:05 p.m.

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

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

**Committee Business:** Presentation by representatives of Apple Computer.

**Adjourned:** 2:11 p.m.

## HUMAN RESOURCES

**Convened:** February 21, 2001, 2:15 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 1126.

**Adjourned:** 3:00 p.m.

## TRANSPORTATION

**Convened:** February 21, 2001, 2:10 p.m.

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

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

**Committee Business:** Passed SF 67. Subcommittee assignments. Presentation by DOT on highway accident data.

**Adjourned:** 2:46 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 15**, by Redwine and Kibbie, a Senate resolution designating March 6, 2001, as Lymphedema D-Day.

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

## INTRODUCTION OF BILLS

**Senate File 257**, by committee on Small Business, Economic Development, and Tourism, a bill for an act amending the strategic planning duties of the Iowa economic development board.

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

**Senate File 258**, by committee on Judiciary, a bill for an act relating to the extension of the tobacco settlement authority Act, and providing an effective date.

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

**Senate File 259**, by committee on Judiciary, a bill for an act relating to the victim rights compensation fund.

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

**Senate File 260**, by committee on Local Government, a bill for an act relating to the appointment of an acting or a temporary county attorney.

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

**Senate File 261**, by Bolcom, a bill for an act authorizing absentee ballot requests by facsimile.

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

**Senate File 262**, by Bolcom, a bill for an act relating to fees for late payment of annual motor vehicle registration fees.

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

#### STUDY BILLS RECEIVED

##### **SSB 1157      Education**

Relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

##### **SSB 1158      Commerce**

Relating to regulation of multiple employer welfare arrangements by the commissioner of insurance, repealing the future repeal date for such regulation, and providing an effective date.

##### **SSB 1159      Natural Resources and Environment**

Nullifying an amendment to an administrative rule of the department of natural resources eliminating the unprotected nongame status of reptiles and providing an effective date.

##### **SSB 1160      Local Government**

Relating to a review of revenue sources of local governments.

##### **SSB 1161      Natural Resources and Environment**

Relating to the application of certain air quality requirements to indoor emission units or air contaminant sources.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate Joint Resolution 4**

WAYS AND MEANS: Lamberti, Chair; Deluhery and Miller

#### **Senate File 173**

LOCAL GOVERNMENT: Johnson, Chair; Angelo and Fraise

#### **Senate File 232**

COMMERCE: Redwine, Chair; Deluhery and Freeman

#### **Senate File 245**

TRANSPORTATION: Zieman, Chair; Fraise and McLaren

#### **Senate File 246**

NATURAL RESOURCES AND ENVIRONMENT: Miller, Chair; Kibbie and McLaren

#### **Senate File 248**

TRANSPORTATION: McKinley, Chair; Dearden and Jensen

#### **Senate File 249**

EDUCATION: Redfern, Chair; Connolly and McKinley

#### **Senate File 255**

WAYS AND MEANS: McKinley, Chair; Connolly and Maddox

#### **SSB 1157**

EDUCATION: Redwine, Chair; Boettger and Soukup

#### **SSB 1158**

COMMERCE: Freeman, Chair; Deluhery and Jensen

#### **SSB 1159**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Dearden and Freeman

#### **SSB 1160**

LOCAL GOVERNMENT: Miller, Chair; Angelo and Hansen

**SSB 1161**

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

**LSB 2836xc**

APPROPRIATIONS: Lamberti, Chair; Flynn and Schuerer

**COMMITTEE REPORTS****JUDICIARY**

**Final Bill Action:** SENATE FILE 258 (SSB 1153), a bill for an act relating to the extension of the tobacco settlement authority Act, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Fiegen and Fraise.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 259 (SSB 1133), a bill for an act relating to the victim rights compensation fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Maddox, Redfern, Holveck, Angelo, Hammond, Hansen, Horn, Lamberti, and Tinsman. Nays, 4: Boettger, King, McKean, and Miller. Absent or not voting, 2: Fiegen and Fraise.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 259, and they were attached to the committee report.

**LOCAL GOVERNMENT**

**Final Bill Action:** SENATE FILE 260 (SSB 1089), a bill for an act relating to the appointment of an acting or a temporary county attorney.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Miller, Angelo, Hansen, Bartz, Black, Johnson, McCoy, McKibben, and Zieman. Nays, none. Absent or not voting, 4: Fraise, Gaskill, Horn, and Schuerer.

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

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** SENATE FILE 257 (SSB 1044), a bill for an act amending the strategic planning duties of the Iowa economic development board.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Rehberg, Zieman, Shearer, Behn, Greiner, McKinley, and Veenstra. Nays, none. Absent or not voting, 6: Dvorsky, Fiegen, Flynn, Gaskill, Holveck, and Lamberti.

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

# JOURNAL OF THE SENATE

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FORTY-SIXTH CALENDAR DAY  
TWENTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 22, 2001

The Senate met in regular session at 10:12 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Steve Huston, pastor of the First Presbyterian Church in Davenport, Iowa, guest of Senator Deluhery.

The Journal of Wednesday, February 21, 2001, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 21, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 9**, a concurrent resolution to request that the Congress of the United States maintain its commitment to clean air and the ethanol industry, by maintaining the oxygenate requirement in the federal Clean Air Act that promotes the use of ethanol in reformulated gasoline, and urging the United States Environmental Protection Agency to resist California's attempt to waive the oxygenate requirement in that state.

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

ALSO: That the House has on February 21, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 192**, a bill for an act authorizing certain criminal history and abuse record and registry access to the department of inspections and appeals for purposes of data verification and record checks of applicants for employment with the department.

Read first time and attached to **companion Senate File 127**.

**House File 218**, a bill for an act relating to the appointment of an acting or a temporary county attorney.

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

**House File 228**, a bill for an act relating to the duties of the department of public safety.

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

**House File 230**, a bill for an act amending the strategic planning duties of the Iowa economic development board.

Read first time and attached to **companion Senate File 257**.

**House File 267**, a bill for an act renaming the waste management assistance division of the department of natural resources.

Read first time and attached to **companion Senate File 124**.

#### BILL REFERRED TO COMMITTEE

Senator Boettger asked and received unanimous consent that **Senate File 226** be referred from the Regular Calendar to the committee on **Ways and Means**.

#### RECESS

On motion of Senator Boettger, the Senate recessed at 10:20 a.m. until 3:00 p.m.

## APPENDIX

### COMMUNICATION RECEIVED

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

February 22, 2001

#### DEPARTMENT OF COMMERCE

Insurance Division's Annual Report to the Legislature on External Review of Health Care Decisions, pursuant to Iowa Code chapter 514J.

### COMPANION BILLS RECEIVED

On February 22, 2001, **House File 192** was received and attached to companion **Senate File 127** on the Senate calendar.

On February 22, 2001, **House File 230** was received and attached to companion **Senate File 257** on the Senate calendar.

On February 22, 2001, **House File 267** was received and attached to companion **Senate File 124** on the Senate calendar.

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** February 21, 2001, 4:36 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Bartz, Black, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann.

**Members Absent:** Fraise, Ranking Member; Angelo and Fiegen (all excused).

**Committee Business:** Passed SF 209.

**Adjourned:** 4:50 p.m.

#### COMMERCE

**Convened:** February 21, 2001, 4:35 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine.

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

**Committee Business:** Approved SSBs 1130 (as amended), 1143, and 1144 (as amended).

**Adjourned:** 5:00 p.m.

## APPROPRIATIONS

**Convened:** February 22, 2001, 8:10 a.m.

**Members Present:** Lamberti, Chair; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann.

**Members Absent:** Kramer, Vice Chair; and Flynn, Ranking Member (both excused).

**Committee Business:** Approved LSB 2836xc (as amended).

**Recessed:** 8:24 a.m.

**Reconvened:** 8:40 a.m.

**Adjourned:** 10:08 a.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 22, 2001, 1:06 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Approved SSB 1027 (as amended). Presentation on community health concerns regarding large-scale livestock production.

**Adjourned:** 1:56 p.m.

## INTRODUCTION OF BILLS

**Senate File 263**, by committee on Commerce, a bill for an act relating to balloon payments on consumer loans secured by a certificate of title in a motor vehicle.

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

**Senate File 264**, by committee on Human Resources, a bill for an act relating to and establishing the resuscitation status orders Act, and providing penalties.

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

**Senate File 265**, by committee on Transportation, a bill for an act prohibiting the installation, distribution, or sale of nonoperative air bags and providing a penalty.

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

**Senate File 266**, by McKinley, a bill for an act relating to the release of certain personal information by the state department of transportation.

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

#### STUDY BILLS RECEIVED

**SSB 1162      Agriculture**

Relating to agricultural liens.

**SSB 1163      Agriculture**

Relating to species of animals by classifying certain species as livestock and providing exemptions from the sales and use tax for feed used to support the species.

**SSB 1164      Agriculture**

Providing assistance regarding the development of grapes and wine, and providing an appropriation.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 207**

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Hammond and Lundby

### **Senate File 220**

BUSINESS AND LABOR RELATIONS: King, Chair; Fraise and Greiner

### **Senate File 227**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Zieman, Chair; Behn and Holveck

### **Senate File 243**

HUMAN RESOURCES: Veenstra, Chair; Holveck and Redwine

### **SSB 1162**

AGRICULTURE: Behn, Chair; Bartz and Fraise

### **SSB 1163**

AGRICULTURE: Sexton, Chair; Black and Gaskill

### **SSB 1164**

AGRICULTURE: Gaskill, Chair; Soukup and Veenstra

## COMMITTEE REPORTS

### **AGRICULTURE**

**Final Bill Action:** SENATE FILE 209, a bill for an act providing for the control of paratuberculosis, and providing for penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: McLaren, Behn, Bartz, Black, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 3: Fraise, Angelo, and Fiegen.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

### **COMMERCE**

**Final Bill Action:** \*SENATE FILE 263 (SSB 1143), a bill for an act relating to balloon payments on consumer loans secured by a certificate of title in a motor vehicle.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, Schuerer, Deluhery, Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, 1: Flynn.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 263, and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 264 (SSB 1126), a bill for an act relating to and establishing the resuscitation status orders Act, and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Holveck.

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

## TRANSPORTATION

**Final Bill Action:** \*SENATE FILE 265 (formerly SF 67), a bill for an act prohibiting the installation, distribution, or sale of nonoperative air bags and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Rittmer, Drake, Dearden, Fink, Freeman, Jensen, Kibbie, McKinley, Sexton, and Ziemann. Nays, none. Absent or not voting, 3: McCoy, Fraise, and McLaren.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 265, and they were attached to the committee report.

## AFTERNOON SESSION

The Senate reconvened at 3:00 p.m., President Pro Tempore McKean presiding.

## QUORUM CALL

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

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

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kramer, for the day, on request of Senator Iverson; Senator McKibben, for the day, on request of Senator Gaskill; Senator Flynn, for the day, on request of Senator Gronstal; and Senator Bartz, until he arrives, on request of Senator Veenstra.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 141.

**Senate File 141**

On motion of Senator Lamberti, **Senate File 141**, a bill for an act relating to the allocation of program job credits to program costs under the accelerated career education program and providing effective and retroactive applicability dates, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 141), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Lamberti	Lundby
Maddox	McCoy	McKean	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Bartz	Flynn	Fraise	Kramer
McKibben			

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

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 203, 99, 102, and 258.

#### **Senate File 203**

On motion of Senator Boettger, **Senate File 203**, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 203), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Lamberti	Lundby
Maddox	McCoy	McKean	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Bartz	Flynn	Fraise	Kramer
McKibben			

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

## Senate File 99

On motion of Senator Dvorsky, **Senate File 99**, a bill for an act relating to the billing and accounting of charges for the state resource centers and mental health institutes administered by the department of human services, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 99), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Horn	Iverson	Jensen	Johnson
Kibbie	King	Lamberti	Lundby
Maddox	McCoy	McKean	McKinley

McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Flynn	Fraise	Holveck	Kramer
McKibben			

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

### Senate File 102

On motion of Senator Deluhery, **Senate File 102**, a bill for an act relating to charitable gift annuities, by providing for notice and filing requirements and providing for penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 102), the vote was:

Ayes, 46:

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

Nays, none.

Absent or not voting, 4:

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

### Senate File 258

On motion of Senator Lamberti, **Senate File 258**, a bill for an act relating to the extension of the tobacco settlement authority Act, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 258), the vote was:

Ayes, 46:

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

Nays, none.

Absent or not voting, 4:

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

Senator Boettger took the chair at 3:35 p.m.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 11.

**Senate Resolution 11**

On motion of Senator McKean, **Senate Resolution 11**, a Senate resolution requesting the legislative council to appoint a committee to promote truthfulness and honesty in political campaigns, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved the adoption of Senate Resolution 11, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 99, 102, 141, 203, and 258** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:41 p.m. until 10:00 a.m. Monday, February 26, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

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

February 22, 2001

#### DEPARTMENT OF NATURAL RESOURCES

Fiscal Year 2000 Annual Report for Building Energy Management.

### REPORTS OF COMMITTEE MEETINGS

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** February 22, 2001, 1:05 p.m.

**Members Present:** Rehberg, Chair; Zieman, Vice Chair; Behn, Dvorsky, Gaskill, Greiner, Holveck, Lamberti, McKinley, and Veenstra.

**Members Absent:** Shearer, Ranking Member; Fiegen and Flynn (all excused).

**Committee Business:** Presentation regarding revitalization of rural Iowa.

**Adjourned:** 1:45 p.m.

#### STATE GOVERNMENT

**Convened:** February 22, 2001, 2:11 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** None.

**Committee Business:** Approved SSB 1099 (as amended) and passed SF 165 (as amended).

**Adjourned:** 2:45 p.m.

### INTRODUCTION OF BILLS

**Senate File 267**, by committee on Appropriations, a bill for an act relating to state budgetary matters by providing for reductions and

supplementation of appropriations made for the fiscal year beginning July 1, 2000, and transferring, crediting, and appropriating certain moneys, and providing an effective date.

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

**Senate File 268**, by Harper, Dearden, Flynn, Shearer, Kibbie, Fiegen, Fink, Horn, Deluhery, Hammond, Fraise, Soukup, McCoy, Black, Gronstal, Bolkcom, Dvorsky, Holveck, and Connolly, a bill for an act providing authority to participating agencies to establish pilot projects for the refund of fees associated with certain licenses and certifications.

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

**Senate File 269**, by Kibbie, a bill for an act limiting the amount of contributions a candidate for office may accept from outside the candidate's elective district, and providing for a civil penalty.

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

**Senate File 270**, by Hammond, a bill for an act relating to health care coverage for employees of racing and gaming licensees.

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

**Senate File 271**, by Fiegen, a bill for an act relating to compensating judicial hospitalization referees, and making an appropriation.

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

**Senate File 272**, by Sexton, a bill for an act relating to scheduled fines for hunting and fishing violations.

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

**Senate File 273**, by Hansen, a bill for an act relating to the hunting of deer with a rifle and subjecting violators to a penalty.

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

**Senate File 274**, by Bolkcom, a bill for an act relating to delayed deposit loans, making penalties applicable, and providing for civil remedies.

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

**Senate File 275**, by Bolkcom, a bill for an act relating to resident advocate committee support and making an appropriation.

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

**Senate File 276**, by committee on Commerce, a bill for an act relating to the licensure of persons acting as insurance producers, providing an effective date, and applying penalties.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 216**

AGRICULTURE: Greiner, Chair; Black and Gaskill

### **Senate File 244**

AGRICULTURE: McLaren, Chair; Soukup and Veenstra

### **Senate File 254**

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

### **Senate File 256**

HUMAN RESOURCES: Miller, Chair; Bartz and Shearer

## EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 22, 2001, when the votes were taken on Senate Files 141 and 203. Had I been present, I would have voted "Aye" on both.

MERLIN E. BARTZ

MADAM PRESIDENT: I inadvertently missed the vote on Senate File 99 that was taken on February 22, 2001. Had I voted, I would have voted "Aye."

JACK HOLVECK

## COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 267 (LSB 2836xc), a bill for an act relating to state budgetary matters by providing for reductions and supplementation of appropriations made for the fiscal year beginning July 1, 2000, and transferring, crediting, and appropriating certain moneys, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Lamberti, Angelo, Behn, Gaskill, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 9: Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, 2: Kramer and Flynn.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 267, and they were attached to the committee report.

### COMMERCE

**Final Bill Action:** \*SENATE FILE 276 (SSB 1144), a bill for an act relating to the licensure of persons acting as insurance producers, providing an effective date, and applying penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Johnson, Schuerer, Deluhery, Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, and Redwine. Nays, none. Absent or not voting, 2: Flynn and Redfern.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 276, and they were attached to the committee report.

### **STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 165, a bill for an act enacting the Iowa English language reaffirmation Act of 2001.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3073.

**Final Vote:** Ayes, 9: King, Lamberti, Drake, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, 6: Kibbie, Bolkom, Connolly, Dearden, Deluhery, and Fink. Absent or not voting, none.

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

### **AMENDMENT FILED**

S-3073

S.F. 165

State Government

# JOURNAL OF THE SENATE

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FIFTIETH CALENDAR DAY  
TWENTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 26, 2001

The Senate met in regular session at 10:02 a.m., Senator Veenstra presiding.

Prayer was offered by the Reverend Wayne Bahr, pastor of the Church of Christ in Mondamin, Iowa, guest of Senator Boettger.

The Journal of Thursday, February 22, 2001, was approved.

## POINT OF ORDER

Senator Gronstal raised the point of order regarding the Senate Journal of January 29, 2001. Page 364 lists Senator Rittmer as the senator appointed to the IPERS Investment Board. Senator Gronstal had been informed that Representative Metcalf had not been replaced yet by a Democratic representative, thereby creating an unauthorized partisan imbalance on the Board.

The Chair stated that the matter would be taken under advisement.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:10 a.m. until 9:00 a.m. Tuesday, February 27, 2001.

## APPENDIX

### APPOINTMENTS FROM THE GOVERNOR

The following appointees were submitted by the Governor to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

#### TERM

BANKING, SUPERINTENDENT OF (Sec. 524.201)	
Holmes Foster, Des Moines	05/01/2001 – 04/30/2005
BEHAVIORAL SCIENCE EXAMINERS, BOARD OF (Sec. 147.14(13))	
Elizabeth Shannahan, West Des Moines	07/01/2000 – 04/30/2002
CHIROPRACTIC EXAMINERS, BOARD OF (Sec. 147.14(8))	
Steven Kraus, Carroll	05/19/2000 – 04/30/2002
CITY DEVELOPMENT BOARD (Sec. 368.9)	
LaVon Griffieon, Ankeny	07/01/2000 – 04/30/2003
James Halverson, Cedar Rapids	05/01/2000 – 04/30/2006
CORRECTIONS, DIRECTOR OF THE DEPARTMENT OF (Sec. 904.107)	
Walter L. Kautzky, Des Moines	07/07/2001 – Pleasure of the Governor
COUNTY FINANCE COMMITTEE (Sec. 333A.2)	
Kevin Wynn, Corning	08/28/2000 – 04/30/2003
CULTURAL AFFAIRS, DIRECTOR OF THE DEPARTMENT OF (Sec. 303.1)	
Anita Walker Jessen, Des Moines	09/08/2000 – Pleasure of the Governor
DRUG POLICY ADVISORY COUNCIL, IOWA (Sec. 80E.2)	
Ed Barnes, Des Moines	09/19/2000 – 04/30/2004
Douglas Book, Forest City	09/19/2000 – 04/30/2004
Pamela Dettmann, Sac City	09/19/2000 – 04/30/2001
Diane Thomas, Manchester	09/19/2000 – 04/30/2003
EDUCATIONAL EXAMINERS, BOARD OF (Sec. 272.3)	
Veronica Stalker, West Des Moines	07/01/2000 – 04/30/2003
Jackie Wellborn, Iowa City	07/01/2000 – 04/30/2001
EMPOWERMENT BOARD, IOWA (Sec. 28.3)	
Rebecca Burgart, Council Bluffs	01/03/2001 – 04/30/2003
ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)	
Forrest Holly, Jr., Iowa City	05/30/2000 – 04/30/2003
ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)	
Lisa Davis Cook, West Des Moines	05/22/2000 – 04/30/2003

GRAIN INDEMNITY FUND BOARD, IOWA (Sec. 203D.4)	
Thomas Kaldenberg, Albia	09/22/2000 – 04/30/2001
HUMAN SERVICES, COUNCIL ON (Sec. 217.2)	
Sylvia Schoer, Sioux Rapids	10/18/2000 – 4/30/2005
INFORMATION TECHNOLOGY COUNCIL (Sec. 14B.104)	
Mary Brandsgard, Davenport	08/18/2000 – 04/30/2004
Cynthia Eisenhauer, Ankeny	08/18/2000 – 04/30/2002
Sandra Glenn, Cedar Falls	08/18/2000 – 04/30/2004
Diane Kolmer, West Des Moines	08/18/2000 – 04/30/2003
Timothy Lapointe, Mason City	08/18/2000 – 04/30/2004
Sharman Smith, Des Moines	08/18/2000 – 04/30/2003
Rose Vasquez, Des Moines	01/17/2001 – 04/30/2002
INFORMATION TECHNOLOGY DEPARTMENT, DIRECTOR OF THE (Sec. 14B.104)	
Richard J. Varn, Des Moines	04/26/2000 – Pleasure of the Governor
INFORMATION TECHNOLOGY, ADMINISTRATOR OF THE ADMINISTRATION DIVISION OF THE DEPARTMENT OF (Sec. 14B.105)	
Sandra L. Dell, Urbandale	09/21/2000 – Pleasure of the Governor
INFORMATION TECHNOLOGY, ADMINISTRATOR OF THE CUSTOMER LIAISON DIVISION OF THE DEPARTMENT OF (Sec. 14B.105)	
Sharon K. Sperry, Polk City	02/14/01 – Pleasure of the Governor
INFORMATION TECHNOLOGY, ADMINISTRATOR OF THE DIGITAL GOVERNMENT BUREAU OF THE DEPARTMENT OF (Sec. 14B.107)	
Daniel A. Combs, Greenfield	09/21/2000 – Pleasure of the Governor
INFORMATION TECHNOLOGY, ADMINISTRATOR OF THE OPERATIONS DIVISION OF THE DEPARTMENT OF (Sec. 14B.105)	
Russell F. Rozinek, Maxwell	09/21/2000 – Pleasure of the Governor
INFORMATION TECHNOLOGY, ADMINISTRATOR OF THE POLICY AND PLANNING DIVISION OF THE DEPARTMENT OF (Sec. 14B.105)	
Deborah A. O'Leary, Urbandale	03/01/2000 – Pleasure of the Governor
IOWACCESS ADVISORY COUNCIL (Sec. 14B.201)	
Quentin Boyken, West Des Moines	09/21/2000 – 04/30/2003
Marsha Carter, Defiance	08/31/2000 – 04/30/2003
Gail Flagel, Montezuma	08/31/2000 – 04/30/2003
Jane Ginapp, Mason City	08/31/2000 – 04/30/2002
Kelly Hayworth, Coralville	08/31/2000 – 04/30/2004
Craig Hiemstra, Clive	08/31/2000 – 04/30/2004
Carol Johnson, Cedar Falls	08/31/2000 – 04/30/2002
Corlis Moody, Des Moines	08/31/2000 – 04/30/2002
Richard Neri, Waukee	08/31/2000 – 04/30/2004
Julie Newby, Council Bluffs	08/31/2000 – 04/30/2004
Bob Skow, Dallas Center	08/31/2000 – 04/30/2003
Herbert Strentz, Urbandale	08/31/2000 – 04/30/2004
John Wellman, Des Moines	08/31/2000 – 04/30/2003

IOWA FINANCE AUTHORITY, EXECUTIVE DIRECTOR OF (Sec. 16.6)	
Michael L. Tramontina, Des Moines	06/19/2000 – Pleasure of the Governor
IOWA FINANCE AUTHORITY (Sec. 16.2)	
Richard Wright, Des Moines	10/16/2000 – 04/30/2001
LEWIS AND CLARK BICENTENNIAL COMMISSION, IOWA (Sec. 15.221)	
Mark Monson, Sergeant Bluff	10/18/2000 – 04/30/2003
Kari Sliva, Underwood	10/18/2000 – 04/30/2003
MASSAGE THERAPY EXAMINERS, BOARD OF (Sec. 147.17)	
Debra Brooks, Walford	08/08/2000 – 04/30/2003
Justin Fisher, Shenandoah	08/08/2000 – 04/30/2002
MEDICAL EXAMINERS, BOARD OF (Sec. 147.14(2))	
Michael Byrne, Davenport	07/01/2000 – 04/30/2001
Susan Johnson, Iowa City	06/12/2000 – 04/30/2002
NATURAL RESOURCE COMMISSION (Sec. 455A.5)	
Richard Francisco, Lucas	07/01/2000 – 04/30/2003
NATURAL RESOURCES, DIRECTOR OF THE DEPARTMENT OF (Sec. 455A.3)	
Jeffrey R. Vonk, Davis, California	03/14/01 – Pleasure of the Governor
NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS FOR (Sec. 155.2)	
Susan Frey, Villisca	11/29/2000 – 04/30/2003
Judy Weller, Pomeroy	11/28/2000 – 04/30/2001
PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM TRUSTEE (Sec. 97A.5)	
Terrance Lillis, Urbandale	08/28/2000 – 04/30/2002
PHARMACY EXAMINERS, BOARD OF (Sec. 147.14(5))	
Paul Abramowitz, Coralville	09/07/2000 – 04/30/2002
PODIATRY EXAMINERS, BOARD OF (Sec. 147.14(1A))	
Angela Langrehr, Des Moines	01/03/2001 – 04/30/2002
REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)	
Cindy Hansen, Algona	10/16/2000 – 04/30/2003
RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE (Sec. 159A.4)	
Karen Andersen-Schank, Des Moines	10/09/2000 – 04/30/2003
SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108(7h))	
Alison Doyle, Ames	05/01/2000 – 04/30/2002
Nicholas Henderson, West Des Moines	01/08/2001 – 04/30/2001
TAX REVIEW, STATE BOARD OF (Sec. 421.1)	
Courtney Kay-Decker, Davenport	07/18/2000 – 04/30/2001

## TOBACCO USE PREVENTION AND CONTROL, COMMISSION ON (Sec. 142A.3)

Gilda Bettis, Shenandoah	07/01/2000 – 04/30/2003
Kermit Dahlen, Hinton	07/01/2000 – 04/30/2003
Dixie Daugherty, Mount Sterling	07/01/2000 – 04/30/2002
Randy Meyer, Johnston	07/01/2000 – 04/30/2003
Frank O'Connor, Dubuque	07/01/2000 – 04/30/2002
Paul Pomrehn, Iowa City	07/01/2000 – 04/30/2001
Sharon Wellendorf, Ida Grove	07/01/2000 – 04/30/2001

## VISION IOWA BOARD, CHAIRPERSON OF THE (Sec. 15F.102)

Michael Gartner, Des Moines	07/01/2000 – 06/30/2003
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## VISION IOWA BOARD, VICE CHAIRPERSON OF THE (Sec. 15F.102)

Dianne Paca, Garner	07/01/2000 – 06/30/2003
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## VISION IOWA BOARD (Sec. 15F.102)

Marvin Berenstein, Sioux City	07/01/2000 – 06/30/2003
Mary Ellen Chamberlin, Davenport	07/01/2000 – 06/30/2002
Gregg Connell, Shenandoah	07/01/2000 – 06/30/2001
Swati Dandekar, Marion	07/01/2000 – 06/30/2003
Sharon Juon, Waterloo	07/01/2000 – 06/30/2002
Jerry Kearns, Keokuk	07/01/2000 – 06/30/2001
Bradford Parks, Dubuque	07/01/2000 – 06/30/2002
LaMetta Wynn, Clinton	07/01/2000 – 06/30/2001

The appointments were referred to the committee on **Rules and Administration**.

## WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on February 26, 2001:

Jacquelyn Wellborn was appointed to the Board of Educational Examiners in July of 2000. She recently resigned from the position. Because the Senate has not yet acted upon that appointment, I withdraw her name from further consideration by the Senate.

Sincerely,  
 THOMAS J. VILSACK  
 Governor

## COMMUNICATIONS RECEIVED

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

February 26, 2001

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual report relating to progress toward the goals and objectives of the Targeted Small Business Program and the Targeted Small Business Financial Assistance Program, pursuant to Iowa Code section 15.108.

Community Economic Betterment Account (CEBA) Annual Report Fiscal Year 2000.

#### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 15, 2001, when the votes were taken on Senate Files 94 and 144. Had I been present, I would have voted "Aye" on both.

MAGGIE TINSMAN

#### INTRODUCTION OF BILLS

**Senate File 277**, by committee on State Government, a bill for an act relating to the financial operations and transactions of the information technology department.

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

**Senate File 278**, by committee on Natural Resources and Environment, a bill for an act relating to the taking of fish and game by increasing fees for hunting, fishing, harvesting, and related licenses, providing for additional licenses and fees, for deer management plans, and for other properly related matters, and providing effective and applicability dates.

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

**Senate File 279**, by committee on Commerce, a bill for an act relating to allocation and payment of expenses arising from performance of duties by the Iowa utilities board and the consumer advocate, providing for a report by the Iowa utilities board, and providing an effective date.

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

**Senate File 280**, by Lamberti, a bill for an act establishing a disabled employment opportunities program and fund and making an appropriation.

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

**Senate File 281**, by Lamberti, a bill for an act relating to jurisdiction in criminal forfeiture proceedings.

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

**Senate File 282**, by Lamberti, a bill for an act relating to the jurisdiction of district associate judges.

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

**Senate File 283**, by Bolkcom, a bill for an act reducing the number of envelopes used in absentee voting from two to one.

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

**Senate File 284**, by Bolkcom, a bill for an act relating to combined absentee ballot and voter registration requests.

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

**Senate File 285**, by Bolkcom, a bill for an act relating to the elderly services program and making an appropriation.

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

**Senate File 286**, by Hammond, Harper, Horn, Shearer, Kibbie, Hansen, Fraise, Soukup, Holveck, Bolkcom, Fink, Deluhery, Dvorsky, and Dearden, a bill for an act relating to the definition of factory-built structures, the relocation of factory-built structures, the certification

of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty.

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

**Senate File 287**, by Flynn, a bill for an act providing for exceptions to municipal tort liability for freestyle or mountain biking.

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

**Senate File 288**, by Veenstra, a bill for an act relating to the applicability of tax credits to certain cooperatives under the new jobs and income and enterprise zone programs and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism.**

**Senate File 289**, by Flynn, a bill for an act relating to open burn notifications and providing a penalty.

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

**Senate File 290**, by Lamberti, a bill for an act relating to the property tax exemption for methane gas and other gas conversion property and providing a retroactive applicability date and an effective date.

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

**Senate File 291**, by Dvorsky, a bill for an act relating to motor vehicle child restraint requirements and providing a penalty.

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

## SUBCOMMITTEE ASSIGNMENTS

### Senate File 231

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Bartz and Kibbie

### Senate File 272

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

### Senate File 273

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

## COMMITTEE REPORTS

### COMMERCE

**Final Bill Action:** \*SENATE FILE 279 (SSB 1130), a bill for an act relating to allocation and payment of expenses arising from performance of duties by the Iowa utilities board and the consumer advocate, providing for a report by the Iowa utilities board, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, Schuerer, Deluhery, Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, 1: Flynn.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 279, and they were attached to the committee report.

### NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** \*SENATE FILE 278 (SSB 1027), a bill for an act relating to the taking of fish and game by increasing fees for hunting, fishing, harvesting, and related licenses, providing for additional licenses and fees, for deer management plans, and for other properly related matters, and providing effective and applicability dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Miller, and Rittmer. Nays, none. Absent or not voting, 2: Lundby and McLaren.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 278, and they were attached to the committee report.

### **STATE GOVERNMENT**

**Final Bill Action:** \*SENATE FILE 277 (SSB 1099), a bill for an act relating to the financial operations and transactions of the information technology department.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: King, Lamberti, Kibbie, Bolkom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 277, and they were attached to the committee report.

# JOURNAL OF THE SENATE

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FIFTY-FIRST CALENDAR DAY  
THIRTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 27, 2001

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

Prayer was offered by the Reverend David Loy, pastor of the Community of Christ Church in Hiawatha, Iowa, guest of Senator Horn.

The Journal of Monday, February 26, 2001, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sexton, until he arrives, on request of Senator Gaskill.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:20 a.m. until 1:00 p.m.

## **APPENDIX**

### **REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 27, 2001:

#### **AGRICULTURE**

Thomas Kaldenberg – Iowa Grain Indemnity Fund Board

#### **COMMERCE**

Holmes Foster – Superintendent of Banking

#### **EDUCATION**

Anita Walker Jessen – Director of the Department of Cultural Affairs

Veronica Stalker – Board of Educational Examiners

#### **HUMAN RESOURCES**

Elizabeth Shannahan – Board of Behavioral Science Examiners

Rebecca Burgart – Iowa Empowerment Board

Sylvia Schoer – Council on Human Services

Gilda Bettis – Commission on Tobacco Use Prevention and Control

Kermit Dahlen – Commission on Tobacco Use Prevention and Control

Dixie Daugherty – Commission on Tobacco Use Prevention and Control

Randy Meyer – Commission on Tobacco Use Prevention and Control

Frank O'Connor – Commission on Tobacco Use Prevention and Control

Paul Pomrehn – Commission on Tobacco Use Prevention and Control

Sharon Wellendorf – Commission on Tobacco Use Prevention and Control

#### **JUDICIARY**

Walter L. Kautzky – Director of the Department of Corrections

Ed Barnes – Iowa Drug Policy Advisory Council

Douglas Book – Iowa Drug Policy Advisory Council

Pamela Dettmann – Iowa Drug Policy Advisory Council

Diane Thomas – Iowa Drug Policy Advisory Council

### **LOCAL GOVERNMENT**

LaVon Griffieon – City Development Board  
James Halverson – City Development Board

Kevin Wynn – County Finance Committee

Mark Monson – Iowa Lewis and Clark Bicentennial Commission  
Kari Sliva – Iowa Lewis and Clark Bicentennial Commission

### **NATURAL RESOURCES AND ENVIRONMENT**

Lisa Davis Cook – Environmental Protection Commission

Richard Francisco – Natural Resource Commission

Jeffrey R. Vonk – Director of the Department of Natural Resources

Karen Andersen-Schank – Renewable Fuels and Coproducts Advisory Committee

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

Alison Doyle – Small Business Advisory Council  
Nicholas Henderson – Small Business Advisory Council

### **STATE GOVERNMENT**

Steven Kraus – Board of Chiropractic Examiners

Forrest Holly, Jr. – Engineering and Land Surveying Examining Board

Mary Brandsgard – Information Technology Council  
Cynthia Eisenhauer – Information Technology Council  
Sandra Glenn – Information Technology Council  
Diane Kolmer – Information Technology Council  
Timothy Lapointe – Information Technology Council  
Sharman Smith – Information Technology Council  
Rose Vasquez – Information Technology Council

Richard J. Varn – Director of the Information Technology Department

Sandra L. Dell – Administrator of the Administration Division of the Department of Information Technology

Sharon K. Sperry – Administrator of the Customer Liaison Division of the Department of Information Technology

Daniel A. Combs – Administrator of the Digital Government Bureau of the Department of Information Technology

Russell F. Rozinek – Administrator of the Operations Division of the Department of Information Technology

Deborah A. O'Leary – Administrator of the Policy and Planning Division of the Department of Information Technology

Quentin Boyken – IowAccess Advisory Council  
 Marsha Carter – IowAccess Advisory Council  
 Gail Flagel – IowAccess Advisory Council  
 Jane Ginapp – IowAccess Advisory Council  
 Kelly Hayworth – IowAccess Advisory Council  
 Craig Hiemstra – IowAccess Advisory Council  
 Carol Johnson – IowAccess Advisory Council  
 Corlis Moody – IowAccess Advisory Council  
 Richard Neri – IowAccess Advisory Council  
 Julie Newby – IowAccess Advisory Council  
 Bob Skow – IowAccess Advisory Council  
 Herbert Strentz – IowAccess Advisory Council  
 John Wellman – IowAccess Advisory Council

Debra Brooks – Board of Massage Therapy Examiners  
 Justin Fisher – Board of Massage Therapy Examiners

Michael Byrne – Board of Medical Examiners  
 Susan Johnson – Board of Medical Examiners

Susan Frey – State Board of Examiners for Nursing Home Administrators  
 Judy Weller – State Board of Examiners for Nursing Home Administrators

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System Trustee

Paul Abramowitz – Board of Pharmacy Examiners

Angela Langrehr – Board of Podiatry Examiners

Cindy Hansen – Real Estate Appraiser Examining Board

Michael Gartner – Chairperson of the Vision Iowa Board

Dianne Paca – Vice Chairperson of the Vision Iowa Board

Marvin Berenstein – Vision Iowa Board  
 Mary Ellen Chamberlin – Vision Iowa Board  
 Gregg Connell – Vision Iowa Board  
 Swati Dandekar – Vision Iowa Board  
 Sharon Juon – Vision Iowa Board  
 Jerry Kearns – Vision Iowa Board  
 Bradford Parks – Vision Iowa Board  
 LaMetta Wynn – Vision Iowa Board

#### WAYS AND MEANS

Michael L. Tramontina – Executive Director of the Iowa Finance Authority

Richard Wright – Iowa Finance Authority

Courtney Kay-Decker – State Board of Tax Review

## CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Denise Carlson, Gilbert Elementary School, Gilbert — For being the recipient of the Milken Family Foundation National Educator Award. Senator McKibben (02/27/01).

Colo-Nesco Senior Physics Class — For receiving second place in the Drake Physics Olympics. Senator McKibben (02/27/01).

Melissa Dunlap, Colo-Nesco Middle School — For being a second-place winner in the “Write Women Back Into History” Essay Contest for 6th and 7th grades. Senator McKibben (02/27/01).

Bart Little, Tri-County School, Thornburg — For attaining runner-up in the 2001 1-A Wrestling State Championship 140 Pound Class. Senator Greiner (02/27/01).

## REPORTS OF COMMITTEE MEETINGS

### LOCAL GOVERNMENT

**Convened:** February 27, 2001, 10:45 a.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Bartz, Black, Fraise, Gaskill, Johnson, McKibben, Schuerer, and Ziemann.

**Members Absent:** Hansen, Ranking Member; Horn and McCoy (all excused).

**Committee Business:** Passed SF 57 (as amended).

**Adjourned:** 10:55 a.m.

### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 27, 2001, 9:35 a.m.

**Members Present:** Bartz, Vice Chair; Fink, Ranking Member; Black, Bolckom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** Sexton, Chair (excused).

**Committee Business:** Passed SF 246.

**Adjourned:** 10:30 a.m.

**RULES AND ADMINISTRATION**

**Convened:** February 27, 2001, 9:23 a.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Boettger, Dvorsky, Fink, Gaskill, Johnson, McKean, and Rittmer.

**Members Absent:** Gronstal, Ranking Member; and Harper (both excused).

**Committee Business:** Governor's appointee subcommittees assigned. Passed SRs 8, 12, and 13 and SCR 3, 8, and 10.

**Adjourned:** 9:27 a.m.

**INTRODUCTION OF BILLS**

**Senate File 292**, by Black, a bill for an act relating to the disposition of unclaimed deer venison processed by a meat and poultry processing establishment.

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

**Senate File 293**, by Rehberg, a bill for an act relating to the testing of certain herds for pseudorabies infection.

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

**Senate File 294**, by Soukup, a bill for an act relating to the eligibility of counties to designate an enterprise zone under the enterprise zone program.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

**Senate File 295**, by Bolkcom, a bill for an act providing an income tax credit for purchasing of new vehicles with high fuel economy ratings and including effective and retroactive applicability date provisions.

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

**Senate File 296**, by Bolkcom, a bill for an act relating to the development of a plan to provide alternative housing to elders who are victims of abuse.

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

**Senate File 297**, by Bolkcom, a bill for an act relating to pharmaceutical assistance, including the establishment of a pharmaceutical assistance program for the elderly, establishing a condition of participation in the medical assistance program for pharmacies, making an appropriation, and providing a penalty.

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

**Senate File 298**, by Lamberti, a bill for an act establishing a tax credit against individual and corporate income tax liability for small business guaranty fees paid and including a retroactive applicability date provision.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 142**

JUDICIARY: Maddox, Chair; Horn and King

### **Senate File 152**

JUDICIARY: King, Chair; Angelo and Hammond

### **Senate File 226**

WAYS AND MEANS: McKibben, Chair; Bolkcom, Flynn, Greiner, and Miller

### **Senate File 228**

JUDICIARY: Miller, Chair; Hansen and Maddox

### **Senate File 253**

JUDICIARY: Angelo, Chair; Hammond and Maddox

**Senate File 271**

APPROPRIATIONS: Angelo, Chair; Fiegen and Redfern

**Senate File 275**

APPROPRIATIONS: Tinsman, Chair; Bolkcom and Zieman

**Senate File 280**

APPROPRIATIONS: Lamberti, Chair; Bolkcom and Kramer

**Senate File 285**

APPROPRIATIONS: Tinsman, Chair; Bolkcom and McKibben

**Senate File 290**

WAYS AND MEANS: Drake, Chair; Connolly and Rehberg

**COMMITTEE REPORTS****LOCAL GOVERNMENT**

**Final Bill Action:** SENATE FILE 57, a bill for an act relating to approval of city ordinances granting certain utility franchises.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3112.

**Final Vote:** Ayes, 10: Miller, Angelo, Bartz, Black, Fraise, Gaskill, Johnson, McKibben, Schuerer, and Zieman. Nays, none. Absent or not voting, 3: Hansen, Horn, and McCoy.

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

**RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 3, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program and to direct the commission to develop designs incorporating the Old Capitol as a symbol for the state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

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

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 8, a concurrent resolution urging United States Congressional support for the Railroad Retirement and Survivors Improvement Act.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

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

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 10, a concurrent resolution designating March 2001 as Iowa Women's History Month.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 8, a Senate resolution honoring Christine Grant, former Women's Athletic Director of the University of Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 12, a Senate resolution honoring Theresa J. Uchytel.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

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

ALSO:

**Final Bill Action:** \*SENATE RESOLUTION 13, a Senate resolution recognizing the Right Reverend C. Christopher Epting.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Harper.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Rules and Administration Committee on Senate Resolution 13, and they were attached to the committee report.

### AFTERNOON SESSION

The Senate reconvened at 1:07 p.m., President Pro Tempore McKean presiding.

The Senate stood at ease at 1:08 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:20 p.m., President Kramer presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he arrives, on request of Senator Fink.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 114.

### Senate File 114

On motion of Senator Holveck, **Senate File 114**, a bill for an act relating to the composition of the medical assistance advisory council, was taken up for consideration.

Senator Holveck 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. 114), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie

King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

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

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 27, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 293**, a bill for an act relating to the duties of the board of directors of a school district prior to a regular school election.

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

**House File 326**, a bill for an act relating to the mediation process in civil rights cases.

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

**House File 352**, a bill for an act relating to the administration and care of the Iowa battle flag collection.

Read first time and attached to **similar Senate File 164**.

President Pro Tempore McKean took the chair at 2:36 p.m.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 170.

**Senate File 170**

On motion of Senator Schuerer, **Senate File 170**, a bill for an act relating to training requirements for certain child laborers and providing an effective date, was taken up for consideration.

Senator Schuerer offered amendment S-3113, filed by him from the floor to page 1 of the bill.

The Senate stood at ease at 2:43 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:12 p.m., President Pro Tempore McKean presiding.

Senator Schuerer asked and received unanimous consent that action on amendment S-3113 and **Senate File 170** be **deferred**.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 185.

**Senate File 185**

On motion of Senator Drake, **Senate File 185**, a bill for an act relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 185), the vote was:

Ayes, 49:

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

Nays, none.

Absent or not voting, 1:

Sexton

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

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 222.

#### **Senate File 222**

On motion of Senator Maddox, **Senate File 222**, a bill for an act relating to the statute of limitations in civil actions arising out of the unsafe or defective condition of an improvement to real property, was taken up for consideration.

Senator Fiegen offered amendment S-3116, filed by him from the floor to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 22, nays 25.

Amendment S-3116 lost.

Senator Fiegen asked and received unanimous consent that action on **Senate File 222** be **deferred**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 164.

**Senate File 164**

On motion of Senator McKinley, **Senate File 164**, a bill for an act relating to the administration and care of the Iowa battle flag collection, was taken up for consideration.

Senator McKinley offered amendment S-3115, filed by him from the floor to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 38, nays 12.

Amendment S-3115 was adopted.

Senator McKinley asked and received unanimous consent that **House File 352** be **substituted** for **Senate File 164**.

**House File 352**

On motion of Senator McKinley, **House File 352**, a bill for an act relating to the administration and care of the Iowa battle flag collection, was taken up for consideration.

Senator Drake offered amendment S-3119, filed by Senator Drake, et al., from the floor to page 1 of the bill.

Senator Drake asked and received unanimous consent that action on amendment S-3119 and **House File 352** be **deferred**.

## BUSINESS PENDING

**Senate File 170**

The Senate resumed consideration of **Senate File 170**, a bill for an act relating to training requirements for certain child laborers and providing an effective date, and amendment S-3113, previously deferred.

Senator Schuerer asked and received unanimous consent to withdraw amendment S-3113.

Senator Schuerer offered amendment S-3118, filed by Senators Schuerer and Fiegen from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3118 was adopted by a voice vote.

Senator Hammond asked and received unanimous consent that action on **Senate File 170** be **deferred**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 104.

**Senate File 104**

On motion of Senator Connolly, **Senate File 104**, a bill for an act relating to a study of the Iowa communications network as a school district instructional tool for students enrolled in kindergarten through grade twelve, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 104), the vote was:

Ayes, 50:

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

Nays, none.

Absent or not voting, none.

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

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 165.

#### **Senate File 165**

On motion of Senator King, **Senate File 165**, a bill for an act enacting the Iowa English language reaffirmation Act of 2001, with report of committee recommending amendment and passage, was taken up for consideration.

Senator King asked and received unanimous consent that action on **Senate File 165** be **deferred**.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 11.

## Senate Concurrent Resolution 11

On motion of Senator King, **Senate Concurrent Resolution 11**, a concurrent resolution requesting that the United States Congress create a standard nationwide time for poll closings in general and congressional elections, was taken up for consideration.

Senator King moved the adoption of Senate Concurrent Resolution 11, which motion prevailed by a voice vote.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 168 and 211.

#### Senate File 168

On motion of Senator Lundby, **Senate File 168**, a bill for an act relating to the granting of additional cable television franchises by a city, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on **Senate File 168** be **deferred**.

#### Senate File 211

On motion of Senator Greiner, **Senate File 211**, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, was taken up for consideration.

Senator Greiner offered amendment S-3071, filed by her on February 19, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3071 was adopted by a voice vote.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Harper, until she returns, on request of Senator Hammond; and Senator Redfern, until he returns, on request on Senator Iverson.

## BUSINESS PENDING

**Senate File 211**

The Senate resumed consideration of Senate File 211.

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

On the question "Shall the bill pass?" (S.F. 211), the vote was:

Ayes, 48:

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

Nays, none.

Absent or not voting, 2:

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

## BUSINESS PENDING

**House File 352**

The Senate resumed consideration of **House File 352**, a bill for an act relating to the administration and care of the Iowa battle flag collection, and amendment S-3119, previously deferred.

Senator Drake asked and received unanimous consent to withdraw amendment S-3119.

Senator Drake offered amendment S-3120, filed by Senator Drake, et al., from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3120 was adopted by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, for the remainder of the day, on request of Senator Holveck.

### BUSINESS PENDING

### House File 352

The Senate resumed consideration of House File 352.

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

On the question "Shall the bill pass?" (H.F. 352), the vote was:

Ayes, 47:

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

Nays, none.

Absent or not voting, 3:

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

### WITHDRAWN

Senator McKinley asked and received unanimous consent that **Senate File 164** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 11, Senate Files 104, 114, 185, and 211, and House File 352** be **immediately messaged** to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 27, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 259**, a bill for an act relating to the duties and office of the secretary of state in commissioning notarial officers.

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

**House File 270**, a bill for an act striking certain filing requirements related to campus crime statistics and sexual abuse policies.

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

**House File 286**, a bill for an act permitting cooperative associations to deal with nonmembers, to use fictitious names, and to issue memberships without charge; to permit electric cooperatives to have multiple classes of members; and providing an effective date.

Read first time and attached to **similar Senate File 103**.

**House File 287**, a bill for an act establishing the interstate compact for adult criminal offender supervision and providing a contingent effective date.

Read first time and attached to **companion Senate File 221**.

**House File 355**, a bill for an act relating to the school year beginning date.

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

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:31 p.m. until 9:00 a.m. Wednesday, February 28, 2001.

## APPENDIX

### COMPANION BILL RECEIVED

On February 27, 2001, **House File 287** was received and attached to companion **Senate File 221** on the Senate calendar.

### SIMILAR BILLS RECEIVED

On February 27, 2001, **House File 352** was received and attached to similar **Senate File 164** on the Senate calendar.

On February 27, 2001, **House File 286** was received and attached to similar **Senate File 103** on the Senate calendar.

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** February 27, 2001, 11:38 a.m.

**Members Present:** McKibben, Chair; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Maddox, Miller, and Redwine.

**Members Absent:** McKinley, Vice Chair; Harper, Ranking Member; Lamberti and Rehberg (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 11:52 a.m.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 12**, by Tinsman, a concurrent resolution requesting the Director of Public Health to review the effects of obesity, report on current state and local programs to enhance public awareness of obesity and its treatment, and make recommendations for improvements of the programs.

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

## INTRODUCTION OF BILLS

**Senate File 299**, by Bartz, a bill for an act relating to the property tax levy for the maintenance of the office of assessor and other assessment procedures and including effective and applicability date provisions.

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

**Senate File 300**, by Harper, a bill for an act relating to a bona fide retirement for teachers under the Iowa public employees' retirement system.

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

**Senate File 301**, by Rehberg, a bill for an act relating to the determination of the jurisdiction in which local option sales and services taxes are to be imposed.

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

**Senate File 302**, by King, a bill for an act relating to child care and protection public policy provisions involving children.

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

**Senate File 303**, by King, a bill for an act providing supplementary weighting for pupils attending classes taught via the Iowa communications network.

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

**Senate File 304**, by committee on Natural Resources and Environment, a bill for an act relating to the application procedure for variances for open burning.

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

**Senate File 305**, by Freeman, a bill for an act relating to personal computers as household hazardous waste.

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

**Senate File 306**, by Kibbie, a bill for an act authorizing a political subdivision to impose a local income surtax, in addition to property taxes, to partially fund certain bonds, and providing for the Act's applicability.

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

**Senate File 307**, by Redfern, a bill for an act allowing certain state employees to use accrued sick leave for purposes relating to the adoption of a child.

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

#### STUDY BILLS RECEIVED

**SSB 1165      Judiciary**

Creating the criminal offense of bestiality and providing a penalty.

**SSB 1166      Judiciary**

Relating to appeals filed in juvenile court proceedings.

**SSB 1167      Judiciary**

Establishing the Iowa electronic recording system, establishing fees, and providing for the Act's applicability.

**SSB 1168      Judiciary**

Requiring E911 surcharges remitted by a provider to be reported in a standard format.

**SSB 1169      Judiciary**

Relating to the qualifications and duties of the clerk of court.

**SSB 1170      Judiciary**

Relating to penalties for theft of motor vehicle fuel.

**SSB 1171      State Government**

Providing title restrictions relating to the practice of physical therapy, and providing a penalty.

**SSB 1172      State Government**

Relating to professional employer organizations.

**SSB 1173      State Government**

Restricting the filing of civil actions or the joining of civil actions as a party by governmental entities against firearms manufacturers.

**SSB 1174      State Government**

Relating to licensure requirements for physician assistants and providing an effective date.

**SSB 1175      State Government**

Eliminating preferential treatment in state employment, contracts, and services.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 261**

STATE GOVERNMENT: Bolkcom, Chair; King and Lamberti

**Senate File 268**

STATE GOVERNMENT: McLaren, Chair; Deluhery and King

**Senate File 269**

STATE GOVERNMENT: McKean, Chair; Kibbie and King

**Senate File 270**

COMMERCE: Schuerer, Chair; Bolkcom and King

**Senate File 274**

COMMERCE: Bolkcom, Chair; Jensen and Johnson

**Senate File 283**

STATE GOVERNMENT: Bolkcom, Chair; King and Lamberti

**Senate File 284**

STATE GOVERNMENT: King, Chair; Bolkcom and Lamberti

**Senate File 286**

COMMERCE: Johnson, Chair; Flynn and Maddox

**SSB 1165**

JUDICIARY: King, Chair; Fiegen and Redfern

**SSB 1166**

JUDICIARY: Maddox, Chair; Holveck and Miller

**SSB 1167**

JUDICIARY: Redfern, Chair; Angelo and Holveck

**SSB 1168**

JUDICIARY: Tinsman, Chair; Hansen and Miller

**SSB 1169**

JUDICIARY: Holveck, Chair; Maddox and Redfern

**SSB 1170**

JUDICIARY: Tinsman, Chair; Horn and Redfern

**SSB 1171**

STATE GOVERNMENT: Drake, Chair; Fink and Rittmer

**SSB 1172**

STATE GOVERNMENT: Maddox, Chair; Connolly and Lamberti

**SSB 1173**

STATE GOVERNMENT: McLaren, Chair; Kibbie and Sexton

**SSB 1174**

STATE GOVERNMENT: Rittmer, Chair; Kibbie and McLaren

**SSB 1175**

STATE GOVERNMENT: McLaren, Chair; Bolkcom and King

**COMMITTEE REPORT****NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** SENATE FILE 304 (formerly SF 246), a bill for an act relating to the application procedure for variances for open burning.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Bartz, Fink, Black, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, 3: Bolkcom, Dearden, and Deluhery. Absent or not voting, 1: Sexton.

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

**AMENDMENTS FILED**

S-3074	S.F.	267	Thomas Fiegen
S-3075	S.F.	267	Thomas Fiegen
S-3076	S.F.	267	Robert E. Dvorsky
S-3077	S.F.	267	Robert E. Dvorsky
S-3078	S.F.	267	Betty A. Soukup
S-3079	S.F.	267	Tom Flynn
S-3080	S.F.	267	Tom Flynn
S-3081	S.F.	267	Johnie Hammond
S-3082	S.F.	267	Robert E. Dvorsky Wally E. Horn
S-3083	S.F.	267	Mark Shearer

S-3084	S.F.	267	Mark Shearer
S-3085	S.F.	267	Eugene S. Fraise Mark Shearer
S-3086	S.F.	267	Steven D. Hansen
S-3087	S.F.	267	Johnie Hammond
S-3088	S.F.	267	Johnie Hammond Betty A. Soukup
S-3089	S.F.	267	Patricia Harper
S-3090	S.F.	267	Jack Holveck
S-3091	S.F.	267	Jack Holveck
S-3092	S.F.	267	Patricia Harper
S-3093	S.F.	267	Steven D. Hansen
S-3094	S.F.	267	Tom Flynn
S-3095	S.F.	267	Jack Holveck
S-3096	S.F.	267	Michael E. Gronstal
S-3097	S.F.	267	Michael E. Gronstal
S-3098	S.F.	267	Mike Connolly
S-3099	S.F.	267	Patrick J. Deluhery
S-3100	S.F.	267	Mike Connolly
S-3101	S.F.	267	Mike Connolly
S-3102	S.F.	267	Robert E. Dvorsky
S-3103	S.F.	267	John P. Kibbie Steven D. Hansen
S-3104	S.F.	267	Mike Connolly
S-3105	S.F.	267	Patricia Harper
S-3106	S.F.	267	Johnie Hammond
S-3107	S.F.	267	Robert E. Dvorsky Joe Bolkcom
S-3108	S.F.	267	Steven D. Hansen Patrick J. Deluhery
S-3109	S.F.	267	Bill Fink
S-3110	S.F.	267	Robert E. Dvorsky
S-3111	S.F.	267	Robert E. Dvorsky
S-3112	S.F.	57	Local Government
S-3113	S.F.	170	Neal Schuerer
S-3114	S.F.	222	Jeff Angelo Tom Flynn Jeff Lamberti O. Gene Maddox
S-3115	S.F.	164	Paul McKinley
S-3116	S.F.	222	Thomas Fiegen

S-3117	S.F.	276	JoAnn Johnson
S-3118	S.F.	170	Neal Schuerer
			Thomas Fiegen
S-3119	H.F.	352	Richard F. Drake
			John P. Kibbie
			Dick L. Dearden
			Mark Shearer
			John W. Jensen
S-3120	H.F.	352	Richard F. Drake
			John P. Kibbie
			Dick L. Dearden
			Kitty Rehberg
			Mark Shearer
			John W. Jensen
			Paul McKinley
			Mike Connolly
S-3121	S.F.	165	Steven D. Hansen
S-3122	S.F.	165	Steven D. Hansen

# JOURNAL OF THE SENATE

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FIFTY-SECOND CALENDAR DAY  
THIRTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 28, 2001

The Senate met in regular session at 9:08 a.m., President Kramer presiding.

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

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 124.

### **Senate File 124**

On motion of Senator Black, **Senate File 124**, a bill for an act renaming the waste management assistance division of the department of natural resources, was taken up for consideration.

Senator Black asked and received unanimous consent that **House File 267** be **substituted** for **Senate File 124**.

### **House File 267**

On motion of Senator Black, **House File 267**, a bill for an act renaming the waste management assistance division of the department of natural resources, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 267), the vote was:

Ayes, 49:

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

Nays, none.

Absent or not voting, 1:

Sexton

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

### WITHDRAWN

Senator Black asked and received unanimous consent that **Senate File 124** be **withdrawn** from further consideration of the Senate.

### UNFINISHED BUSINESS (Deferred February 27, 2001)

#### **Senate File 222**

The Senate resumed consideration of **Senate File 222**, a bill for an act relating to the statute of limitations in civil actions arising out of the unsafe or defective condition of an improvement to real property, deferred February 27, 2001.

Senator Angelo offered amendment S-3114, filed by Senator Angelo, et al., on February 27, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3114 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 222), the vote was:

Ayes, 35:

Angelo	Bartz	Behn	Black
Boettger	Drake	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hansen	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McKibben	McKinley
McLaren	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, 15:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fiegen	Fink	Hammond
Harper	Holveck	Horn	McCoy
McKean	Miller	Shearer	

Absent or not voting, none.

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

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 106.

#### **Senate File 106**

On motion of Senator Fiegen, **Senate File 106**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities and providing effective dates, was taken up for consideration.

Senator Fiegen offered amendment S-3022, filed by the committee on Judiciary on February 6, 2001, to pages 4, 9, and 13 of the bill, and moved its adoption.

Amendment S-3022 was adopted by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal, until he returns, on request of Senator Fink.

### BUSINESS PENDING

### Senate File 106

The Senate resumed consideration of Senate File 106.

Senator Fiegen 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. 106), the vote was:

Ayes, 49:

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

Nays, none.

Absent or not voting, 1:

Gronstal

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

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 106** and **222** and **House File 267** be **immediately messaged** to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 28, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 229**, a bill for an act relating to judicial district departments of correctional services by providing for a judgment lien for supervision fees and for the establishment of a reserve peace officer force.

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

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:47 a.m. until 9:00 a.m. Thursday, March 1, 2001.

## APPENDIX

### APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 27, 2001, to investigate the appointment and reappointment of the following appointees:

#### AGRICULTURE

As a member of the Iowa Grain Indemnity Fund Board:

THOMAS KALDENBERG – Angelo, Chair; Behn and Soukup

#### COMMERCE

As Superintendent of Banking:

HOLMES FOSTER – Jensen, Chair; Deluhery and Johnson

#### EDUCATION

As Director of the Department of Cultural Affairs:

ANITA WALKER JESSEN – McKinley, Chair; Rehberg and Soukup

As a member of the Board of Educational Examiners:

VERONICA STALKER – Redfern, Chair; Shearer and Tinsman

#### HUMAN RESOURCES

As a member of the Board of Behavioral Science Examiners:

ELIZABETH SHANNAHAN – Holveck, Chair; Miller and Schuerer

As a member of the Iowa Empowerment Board:

REBECCA BURGART – Boettger, Chair; Dvorsky and Veenstra

As a member of the Council on Human Services:

SYLVIA SCHOER – Harper, Chair; Behn and Tinsman

As members of the Commission on Tobacco Use Prevention and Control:

GILDA BETTIS – Hammond, Chair; Behn and Schuerer

KERMIT DAHLEN – Redwine, Chair; Boettger and Hammond

DIXIE DAUGHERTY – Miller, Chair; Bartz and Hammond

RANDY MEYER – Holveck, Chair; Behn and Schuerer  
 FRANK O'CONNOR – Behn, Chair; Boettger and Harper  
 PAUL POMREHN – Dvorsky, Chair; Bartz and Tinsman  
 SHARON WELLENDORF – Shearer, Chair; Bartz and Veenstra

### **JUDICIARY**

As Director of the Department of Corrections:

WALTER L. KAUTZKY – Angelo, Chair; Fraise and McKean

As members of the Iowa Drug Policy Advisory Council:

ED BARNES – Miller, Chair; Boettger and Hammond  
 DOUGLAS BOOK – Lamberti, Chair; Horn and Tinsman  
 PAMELA DETTMANN – Redfern, Chair; Holveck and King  
 DIANE THOMAS – Tinsman, Chair; Hansen and Maddox

### **LOCAL GOVERNMENT**

As members of the City Development Board:

LAVON GRIFFIEON – Bartz, Chair; Johnson and McCoy  
 JAMES HALVERSON – Bartz, Chair; Johnson and McCoy

As a member of the County Finance Committee:

KEVIN WYNN – Angelo, Chair; Gaskill and Hansen

As members of the Iowa Lewis and Clark Bicentennial Commission:

MARK MONSON – Black, Chair; McKibben and Zieman  
 KARI SLIVA – Fraise, Chair; Schuerer and Zieman

### **NATURAL RESOURCES AND ENVIRONMENT**

As a member of the Environmental Protection Commission:

LISA DAVIS COOK – Bartz, Chair; Black and Johnson

As a member of the Natural Resource Commission:

RICHARD FRANCISCO – Johnson, Chair; Fink and McLaren

As Director of the Department of Natural Resources:

JEFFREY R. VONK – Sexton, Chair; Bartz and Fink

As a member of the Renewable Fuels and Coproducts Advisory Committee:

KAREN ANDERSEN-SCHANK – McLaren; Johnson and Kibbie

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

As members of the Small Business Advisory Council:

ALISON DOYLE – Zieman, Chair; Dvorsky and Gaskill  
NICHOLAS HENDERSON – Lamberti, Chair; Behn and Fiegen

**STATE GOVERNMENT**

As a member of the Board of Chiropractic Examiners:

STEVEN KRAUS – Sexton, Chair; Dearden and Jensen

As a member of the Engineering and Land Surveying Examining Board:

FORREST HOLLY, JR. – Bolkcom, Chair; Drake and Maddox

As members of the Information Technology Council:

MARY BRANDSGARD – Deluhery, Chair; McKean and Rittmer  
CYNTHIA EISENHAUER – Lamberti, Chair; Dearden and McLaren  
SANDRA GLENN – Connolly, Chair; Jensen and Sexton  
DIANE KOLMER – King, Chair; Dearden and McLaren  
TIMOTHY LAPOINTE – Deluhery, Chair; King and Maddox  
SHARMAN SMITH – King, Chair; Dearden and Maddox  
ROSE VASQUEZ – Fink, Chair; King and Maddox

As Director of the Information Technology Department:

RICHARD J. VARN – McKean, Chair; Jensen and Kibbie

As Administrator of the Administration Division of the Department of Information Technology:

SANDRA L. DELL – Maddox, Chair; Deluhery and McLaren

As Administrator of the Customer Liaison Division of the Department of Information Technology:

SHARON K. SPERRY – Dearden, Chair; Deluhery and King

As Administrator of the Digital Government Bureau of the Department of Information Technology:

DANIEL A. COMBS – King, Chair; Deluhery and Rittmer

As Administrator of the Operations Division of the Department of Information Technology:

RUSSELL F. ROZINEK – Rittmer, Chair; Deluhery and King

As Administrator of the Policy and Planning Division of the Department of Information Technology:

DEBORAH A. O'LEARY – Kibbie, Chair; King and Rittmer

As members of the IowAccess Advisory Council:

QUENTIN BOYKEN – Maddox, Chair; Fink and McKean  
MARSHA CARTER – McLaren, Chair; Fink and Sexton  
GAIL FLAGEL – Drake, Chair; Connolly and Jensen  
JANE GINAPP – Jensen, Chair; Connolly and Drake  
KELLY HAYWORTH – Bolkcom, Chair; Rittmer and Sexton  
CRAIG HIEMSTRA – Maddox, Chair; Dearden and Jensen  
CAROL JOHNSON – Jensen, Chair; Connolly and Drake  
CORLIS MOODY – Lamberti, Chair; Kibbie and King  
RICHARD NERI – Lamberti, Chair; Kibbie and King  
JULIE NEWBY – Fink, Chair; King and Maddox  
BOB SKOW – Deluhery, Chair; McLaren and Sexton  
HERBERT STRENTZ – McLaren, Chair; Connolly and Sexton  
JOHN WELLMAN – Kibbie, Chair; Drake and Fink

As members of the Board of Massage Therapy Examiners:

DEBRA BROOKS – Sexton, Chair; Dearden and King  
JUSTIN FISHER – McLaren, Chair; Dearden and Sexton

As members of the Board of Medical Examiners:

MICHAEL BYRNE – Deluhery, Chair; Lamberti and McKean  
SUSAN JOHNSON – Jensen, Chair; Connolly and Drake

As members of the State Board of Examiners for Nursing Home Administrators:

SUSAN FREY – Jensen, Chair; Connolly and Drake  
JUDY WELER – Rittmer, Chair; Jensen and Kibbie

As Trustee of the Peace Officers' Retirement, Accident, and Disability System:

TERRANCE LILLIS – Drake, Chair; Kibbie and Rittmer

As a member of the Board of Pharmacy Examiners:

PAUL ABRAMOWITZ – Bolkcom, Chair; Jensen and Sexton

As a member of the Board of Podiatry Examiners:

ANGELA LANGREHR – Dearden, Chair; Drake and Maddox

As a member of the Real Estate Appraiser Examining Board:

CINDY HANSEN – Drake, Chair; Connolly and Jensen

As Chairperson of the Vision Iowa Board:

MICHAEL GARTNER – Lamberti, Chair; Fink and King

As Vice Chairperson of the Vision Iowa Board:

DIANNE PACA – Lamberti, Chair; Fink and King

As members of the Vision Iowa Board:

MARVIN BERENSTEIN – McKean, Chair; Kibbie and Maddox  
MARY ELLEN CHAMBERLIN – Deluhery, Chair; Connolly and McLaren  
GREGG CONNELL – McLaren, Chair; Bolcom and Sexton  
SWATI DANDEKAR – Connolly, Chair; McLaren and Sexton  
SHARON JUON – Jensen, Chair; Connolly and Rittmer  
JERRY KEARNS – Drake, Chair; Dearden and McKean  
BRADFORD PARKS – Lamberti, Chair; Fink and King  
LAMETTA WYNN – Rittmer, Chair; Connolly and Jensen

### WAYS AND MEANS

As Executive Director of the Iowa Finance Authority:

MICHAEL L. TRAMONTINA – Lamberti, Chair; Harper and Maddox

As a member of the Iowa Finance Authority:

RICHARD WRIGHT – Rehberg, Chair; Holveck and Redwine

As a member of the State Board of Tax Review:

COURTNEY KAY-DECKER – Greiner, Chair; Deluhery and McKinley

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** February 28, 2001, 2:40 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann.

**Members Absent:** Black (excused).

**Committee Business:** Approved SSBs 1163 (as amended), 1164 (as amended), 1176, and 1177.

**Adjourned:** 3:15 p.m.

**BUSINESS AND LABOR RELATIONS**

**Convened:** February 28, 2001, 10:55 a.m.

**Members Present:** Freeman, Chair; Greiner, Vice Chair; Dearden, Ranking Member; Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer.

**Members Absent:** None.

**Committee Business:** Presentation by the Commissioner of Labor, Byron Orton.

**Adjourned:** 11:40 a.m.

**COMMERCE**

**Convened:** February 28, 2001, 2:41 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine.

**Members Absent:** Flynn (excused).

**Committee Business:** Approved SSB 1158 (as amended). Approved Governor's appointment for Superintendent of Banking.

**Adjourned:** 2:51 p.m.

**EDUCATION**

**Convened:** February 28, 2001, 10:48 a.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Approved SSB 1086.

**Adjourned:** 11:44 a.m.

**JUDICIARY**

**Convened:** February 28, 2001, 1:35 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

**Members Absent:** None.

**Committee Business:** Approved SSB 1066 (as amended).

**Adjourned:** 2:35 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 16**, by Redfern and Harper, a Senate resolution designating the Grout Museum of History and Science as the official repository of artifacts related to the Sullivan Brothers.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 308**, by Shearer, Dearden, Flynn, Harper, Kibbie, Fiegen, Fink, Horn, Deluhery, Hammond, Fraise, Soukup, McCoy, Black, Gronstal, Bolkcom, Dvorsky, Holveck, and Connolly, a bill for an act relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 309**, by Redfern, a bill for an act relating to the membership of the board of educational examiners.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 310**, by Redfern, a bill for an act relating to community college faculty members by exempting certain community college faculty members from the practitioner licensure requirements and providing for tenure policies and time limits for tenure determinations.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 311**, by Bartz, a bill for an act providing a civil cause of action for false accusations relating to the sale of alcohol to a person under legal age, made against a liquor licensee or permittee.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 312**, by Rittmer, a bill for an act relating to the number of official newspapers in certain counties and the cost of publication.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 313**, by Rittmer, a bill for an act relating to removal of county board of supervisor appointees.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 314**, by Redfern, a bill for an act lowering the blood alcohol concentration limit to .08 for motor vehicle and boat operating-while-intoxicated offenses.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 315**, by Connolly and Lundby, a bill for an act creating a Mississippi river blufflands development and conservation authority and providing for its membership, powers and duties, and funding.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 316**, by Hansen, a bill for an act relating to work schedules at polling places.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 317**, by Hansen, a bill for an act creating the offense of illegal purchase or possession of body armor and providing penalties.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 318**, by Hansen, a bill for an act providing for state liability for payment for expenses of a child in juvenile detention following the entry of a dispositional order for placement.

Read first time under Rule 28 and referred to committee on **Human Resources**.

#### STUDY BILLS RECEIVED

#### **SSB 1176      Agriculture**

Providing for taxes relating to the sale of ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability.

#### **SSB 1177      Agriculture**

Relating to corporations financing agricultural industry ventures by providing for their board of directors and providing an applicability date.

#### **SSB 1178      State Government**

Relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation.

#### **SSB 1179      Local Government**

Relating to county maintenance of weeds.

**SSB 1180      Transportation**

Relating to the graduated driver's licensing system's requirements for full driver's licenses.

**SSB 1181      Business and Labor Relations**

Relating to unemployment compensation by continuing the employment security administrative contribution surcharge and its fund, and providing an effective date.

**SSB 1182      Business and Labor Relations**

Relating to unemployment compensation by providing that social security pension payments are nondeductible from unemployment benefits.

**SSB 1183      Business and Labor Relations**

Relating to laws administered by the labor commissioner, including asbestos removal and encapsulation regulation, boilers and unfired steam pressure vessel regulation, boxing and wrestling regulation, construction contractors, and child and migrant labor regulation.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 262**

TRANSPORTATION: Rittmer, Chair; Drake and McCoy

**Senate File 288**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Veenstra, Chair; Flynn and McKinley

**Senate File 289**

LOCAL GOVERNMENT: Bartz, Chair; Black and Zieman

**Senate File 291**

TRANSPORTATION: Fraise, Chair; Freeman and Kibbie

**Senate File 292**

AGRICULTURE: Black, Chair; Angelo and Sexton

**Senate File 293**

AGRICULTURE: Greiner, Chair; Soukup and Zieman

**Senate File 294**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Greiner, Chair; Shearer and Veenstra

**Senate File 295**

WAYS AND MEANS: Maddox, Chair; Holveck and Rehberg

**Senate File 298**

WAYS AND MEANS: Greiner, Chair; Deluhery and Redwine

**Senate File 299**

WAYS AND MEANS: McKinley, Chair; Harper and Lamberti

**Senate File 300**

EDUCATION: Harper, Chair; Boettger and Redfern

**Senate File 301**

WAYS AND MEANS: Miller, Chair; Drake and Flynn

**Senate File 303**

EDUCATION: Redfern, Chair; Connolly and Tinsman

**Senate File 306**

WAYS AND MEANS: Drake, Chair; Holveck and Maddox

**Senate File 309**

EDUCATION: Redfern, Chair; Dvorsky and Tinsman

**Senate File 310**

EDUCATION: Redfern, Chair; Angelo, Connolly, Dvorsky, and Redwine

**House Concurrent Resolution 9**

AGRICULTURE: Gaskill, Chair; Behn and Shearer

**House File 270**

EDUCATION: Rehberg, Chair; McKinley and Soukup

**House File 293**

EDUCATION: Tinsman, Chair; Fink and Veenstra

**House File 355**

EDUCATION: McKinley, Chair; Redwine and Shearer

**SSB 1176**

AGRICULTURE: Behn, Chair; Bartz, Gaskill, Kibbie, and Shearer

**SSB 1177**

AGRICULTURE: Kibbie, Chair; Fraise and McLaren

**SSB 1178**

STATE GOVERNMENT: McLaren, Chair; Connolly, Deluhery, Drake, and King

**SSB 1179**

LOCAL GOVERNMENT: Zieman, Chair; Angelo and Fraise

**SSB 1180**

TRANSPORTATION: McKinley, Chair; Dearden and Jensen

**SSB 1181**

BUSINESS AND LABOR RELATIONS: Behn, Chair; Fraise, Freeman, Horn, and Schuerer

**SSB 1182**

BUSINESS AND LABOR RELATIONS: McKibben, Chair; Dearden and Lundby

**SSB 1183**

BUSINESS AND LABOR RELATIONS: King, Chair; Greiner and Horn

**REPORT OF THE SECRETARY OF THE SENATE**

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 106, the following corrections were made:

1. Page 35, line 19, the word and number "Section 49" were changed to the word and number "Section 52".
2. Page 35, line 22, the word and number "Section 79" were changed to the word and number "Section 82".
3. Page 35, line 25, the word and number "Section 88" were changed to the word and number "Section 91".
4. Page 35, line 26, the word and number "Section 89" were changed to the word and number "Section 92".

MICHAEL E. MARSHALL  
Secretary of the Senate

### GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

#### COMMERCE

Holmes Foster – Superintendent of Banking

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 28, 2001

#### TOBACCO SETTLEMENT AUTHORITY GOVERNING BOARD

Financial Study: Alternative Funding Options for Tobacco Settlement Revenue compiled by Public Financial Management — January 5, 2001, and February 14, 2001.

### AMENDMENTS FILED

S-3123	S.F. 267	Steven D. Hansen
S-3124	S.F. 267	Steven D. Hansen

# JOURNAL OF THE SENATE

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FIFTY-THIRD CALENDAR DAY  
THIRTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 1, 2001

The Senate met in regular session at 9:02 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Nathan Frazee, pastor of the Heritage United Methodist Church in Waverly, Iowa, guest of Senator Jensen.

The Journals of Tuesday, February 27, and Wednesday, February 28, 2001, were approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 28, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 83**, a bill for an act relating to the verification of a uniform citation and complaint issued by a law enforcement agency.

ALSO: That the House has on February 28, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 294**, a bill for an act relating to contracts and compensation that benefit a member of the board of directors of a school district.

Read first time and referred to committee on **Education**.

**House File 325**, a bill for an act relating to regulation of multiple employer welfare arrangements by the commissioner of insurance, repealing the future repeal date for such regulation, and providing an effective date.

Read first time and attached to **companion Senate File 325**.

**House File 349**, a bill for an act relating to the enterprise zone program by creating an eligible development business portion of the program, amending the incentives and assistance provisions available under the enterprise zone program, and providing a retroactive applicability date.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 354**, a bill for an act relating to the pronouncement of death by a physician assistant, a licensed practical nurse, or a registered nurse.

Read first time and referred to committee on **Human Resources**.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby, for the day, on request of Senator Freeman; and Senator McLaren, for the day, on request of Senator Boettger.

The Senate stood at ease at 9:12 a.m. until the fall of the gavel.

The Senate resumed session at 9:30 a.m., President Pro Tempore McKean presiding.

#### RECESS

On motion of Senator Boettger, the Senate recessed at 9:37 a.m. until 1:00 p.m.

## APPENDIX

### COMPANION BILL RECEIVED

On March 1, 2001, **House File 325** was received and attached to companion **Senate File 325** on the Senate calendar.

### REPORTS OF COMMITTEE MEETINGS

#### HUMAN RESOURCES

**Convened:** February 28, 2001, 3:37 p.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra.

**Members Absent:** None.

**Committee Business:** Approved SSB 1148 (as amended).

**Adjourned:** 4:25 p.m.

#### COMMERCE

**Convened:** March 1, 2001, 11:35 a.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Maddox, Redfern, and Redwine.

**Members Absent:** Flynn, Lundby, and McCoy (all excused).

**Committee Business:** Approved SSB 1142.

**Adjourned:** 11:55 a.m.

#### EDUCATION

**Convened:** March 1, 2001, 9:44 a.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Soukup, Tinsman, and Veenstra.

**Members Absent:** Connolly, Ranking Member; Kramer and Shearer (all excused).

**Committee Business:** Approved SSB 1157 and passed HF 89.

**Adjourned:** 10:13 a.m.

**TRANSPORTATION**

**Convened:** March 1, 2001, 10:39 a.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, Sexton, and Zieman.

**Members Absent:** McCoy, Ranking Member; and McLaren (both excused).

**Committee Business:** Subcommittee assignments. Approved SSBs 1046 and 1128.

**Adjourned:** 11:25 a.m.

**INTRODUCTION OF BILLS**

**Senate File 319**, by committee on Agriculture, a bill for an act relating to corporations financing agricultural industry ventures by providing for their board of directors and providing an applicability date.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 320**, by committee on Agriculture, a bill for an act providing for taxes relating to the sale of ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 321**, by committee on Judiciary, a bill for an act relating to bicycle helmets, including local authorities' adoption of ordinances relating to the use of bicycle helmets, and providing legislative intent.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 322**, by Tinsman, a bill for an act requiring establishment of county child protection assistance teams.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 323**, by Drake, a bill for an act relating to the standard for investment of retirement funds by municipal utilities.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 324**, by Lundby, a bill for an act relating to highway improvement assistance from the revitalize Iowa's sound economy fund for brownfield sites.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

**Senate File 325**, by committee on Commerce, a bill for an act relating to regulation of multiple employer welfare arrangements by the commissioner of insurance, repealing the future repeal date for such regulation, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

## SUBCOMMITTEE ASSIGNMENTS

### House File 218

JUDICIARY: Boettger, Chair; Horn and Tinsman

### House File 228

JUDICIARY: Angelo, Chair; Fraise and McKean

## COMMITTEE REPORTS

### AGRICULTURE

**Final Bill Action:** SENATE FILE 319 (SSB 1177), a bill for an act relating to corporations financing agricultural industry ventures by providing for their board of directors and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Black.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 320 (SSB 1176), a bill for an act providing for taxes relating to the sale of ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Black.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## COMMERCE

**Final Bill Action:** \*SENATE FILE 325 (SSB 1158), a bill for an act relating to regulation of multiple employer welfare arrangements by the commissioner of insurance, repealing the future repeal date for such regulation, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 325, and they were attached to the committee report.

## EDUCATION

**Final Bill Action:** HOUSE FILE 89, a bill for an act relating to the supervision of curriculum received via the Iowa communications network.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Boettger, Rehberg, Angelo, Dvorsky, Harper, McKinley, Redfern, Redwine, Soukup, Tinsman, and Veenstra. Nays, 1: Fink. Absent or not voting, 3: Connolly, Kramer, and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## JUDICIARY

**Final Bill Action:** \*SENATE FILE 321 (SSB 1066), a bill for an act relating to bicycle helmets, including local authorities' adoption of ordinances relating to the use of bicycle helmets, and providing legislative intent.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Maddox, Redfern, Holveck, Boettger, Fiegen, Hammond, Hansen, Lamberti, McKean, and Tinsman. Nays, 5: Angelo, Fraise, Horn, King, and Miller. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 321, and they were attached to the committee report.

## AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., President Pro Tempore McKean presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 1, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 258**, a bill for an act relating to the extension of the tobacco settlement authority Act, and providing an effective date.

ALSO: That the House has on March 1, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 17**, a concurrent resolution designating March 2001 as Iowa Women's History Month.

Read first time and attached to **companion Senate Concurrent Resolution 10**.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 10.

**Senate Concurrent Resolution 10**

On motion of Senator Maddox, **Senate Concurrent Resolution 10**, a concurrent resolution designating March 2001 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Maddox asked and received unanimous consent that **House Concurrent Resolution 17** be **substituted** for **Senate Concurrent Resolution 10**.

## House Concurrent Resolution 17

On motion of Senator Maddox, **House Concurrent Resolution 17**, a concurrent resolution designating March 2001 as Iowa Women's History Month, was taken up for consideration.

Senator Maddox moved the adoption of House Concurrent Resolution 17, which motion prevailed by a voice vote.

### WITHDRAWN

Senator Maddox asked and received unanimous consent that **Senate Concurrent Resolution 10** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **House Concurrent Resolution 17** be **immediately messaged** to the House.

### SPECIAL GUESTS

Senators Maddox and Harper welcomed 11 student winners of the 17th Annual "Write Women Back Into History" Essay Contest sponsored by the Iowa Commission on the Status of Women, Iowa Department of Education, and the Iowa State Historical Society. Approximately 3,000 students participated in the contest statewide in celebration of Women's History Month.

#### Sixth and Seventh Grades:

First Place: Carla Schaffer of Parkview Middle School in Ankeny.

Second Place: Melissa Dunlap of Colo-Nesco Middle School in Zearing.

Third Place: Caitlyn Levetzow of Wood Intermediate School in Davenport.

#### Eighth and Ninth Grades:

First Place: Katie Bartlett of Central Academy in Des Moines.

Second Place: Molly Gallentine of BCLUW High School in Conrad.

Third Place: Erin Wonder of Indianola Middle School in Indianola.

Best Essays on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Valerie Brophy of Prairie Middle School in Cedar Rapids.

Second Place: Emily A. Nagle of Jefferson Junior High School in Dubuque.

Best Essays on Women in Science and Engineering for Eighth and Ninth Grades:

First Place: Kathleen M. Vonderhaar of Marquette Junior/Senior High School in West Point.

Second Place: Daniela Vigliotti of Lourdes Catholic School in Bettendorf.

Edith Rose Murphy Sackett Award for the Best Essay on a Woman Volunteer:

Iman El Khatib of Jefferson Junior High School in Dubuque.

RECESS

On motion of Senator Boettger, the Senate recessed at 1:20 p.m. until 4:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Caitlyn Levetzow, Wood Intermediate School, Davenport — For being a winner in the “Write Women Back Into History” Essay Contest for 6th and 7th grades. Senator Fiegen (03/01/01).

Carla Schaffer, Parkview Middle School, Ankeny — For being a first-place winner in the “Write Women Back Into History” Essay Contest for 6th and 7th grades. Senator Lamberti (03/01/01).

Daniela Vigliotti, Lourdes Catholic School, Bettendorf — For being a second-place winner in the “Write Women Back Into History” Essay Contest for 8th grade. Senator Tinsman (03/01/01).

### COMPANION BILL RECEIVED

On March 1, 2001, **House Concurrent Resolution 17** was received and attached to companion **Senate Concurrent Resolution 10** on the Senate calendar.

### REPORT OF COMMITTEE MEETING

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 1, 2001, 1:32 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Miller, and Rittmer.

**Members Absent:** Lundby and McLaren (both excused).

**Committee Business:** Passed SF 272 and approved SSB 1159. Presentation on Capitol complex recycling program.

**Adjourned:** 2:07 p.m.

### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution 5**, by Schuerer, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to affirm or reject Acts of the

General Assembly relating to the individual income tax or sales or use tax.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate Resolution 17**, by King, a Senate resolution honoring Jacklyn Murray for achieving the 2001 Prudential Spirit of Community Award.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### INTRODUCTION OF BILLS

**Senate File 326**, by Schuerer, a bill for an act reducing the state individual income tax by five percent and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 327**, by Schuerer, a bill for an act relating to the sales and use tax exemption for the sales of clothing and footwear and including effective and applicability dates.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 328**, by Schuerer, a bill for an act establishing an income tax deduction for certain volunteer emergency medical services providers and volunteer fire fighters and providing a retroactive applicability date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 329**, by Bolckom, Connolly, Hammond, Holveck, and Dvorsky, a bill for an act relating to beverage container control laws.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

**Senate File 330**, by Bolkcom, a bill for an act relating to the availability of absentee voter lists.

Read first time under Rule 28 and referred to committee on **State Government.**

**Senate File 331**, by Tinsman, a bill for an act relating to safe driving measures and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 332**, by Freeman, a bill for an act relating to the operation, regulation, and equipment of watercraft, establishing watercraft safety courses, and subjecting violators to a penalty, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

**Senate File 333**, by Shearer, a bill for an act relating to continuation of the employment security administrative contribution surcharge and providing an effective date.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations.**

**Senate File 334**, by Harper, a bill for an act providing that members of school boards, area education agency boards, or community college boards receive paid leave from employment while performing their duties as board members.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 335**, by committee on Agriculture, a bill for an act relating to species of animals by classifying certain species as

livestock and providing exemptions from the sales and use tax for feed used to support the species.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 336**, by committee on Education, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 337**, by committee on Commerce, a bill for an act relating to transfers of structured settlement payment rights for tort and workers' compensation claims, providing civil remedies, and an applicability date.

Read first time under Rule 28 and **placed on calendar.**

#### STUDY BILLS RECEIVED

**SSB 1184      Judiciary**

Relating to the sale or transfer of firearms between unlicensed persons and providing penalties.

**SSB 1185      Judiciary**

Relating to the statute of limitations in state tort claims actions brought on behalf of minors and persons with mental illness.

**SSB 1186      Judiciary**

Relating to the termination of a rental agreement of a residential or a mobile home tenant.

**SSB 1187      Human Resources**

Abolishing the licensure and regulation of birth centers.

**SSB 1188      Judiciary**

Allowing indirect purchasers to sue for antitrust violations under the Iowa antitrust statute and providing remedies.

**SSB 1189      Commerce**

Providing for the establishment of a school energy conservation program.

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 12**

HUMAN RESOURCES: Tinsman, Chair; Boettger and Holveck

**Senate File 296**

HUMAN RESOURCES: Tinsman, Chair; Hammond and Veenstra

**Senate File 297**

HUMAN RESOURCES: Veenstra, Chair; Boettger and Dvorsky

**Senate File 302**

HUMAN RESOURCES: Miller, Chair; Bartz and Shearer

**Senate File 318**

HUMAN RESOURCES: Miller, Chair; Holveck and Schuerer

**Senate File 322**

HUMAN RESOURCES: Tinsman, Chair; Dvorsky and Miller

**SSB 1184**

JUDICIARY: Tinsman, Chair; Hammond and Maddox

**SSB 1185**

JUDICIARY: Miller, Chair; Fraise and Lamberti

**SSB 1186**

JUDICIARY: Redfern, Chair; Hansen and Tinsman

**SSB 1187**

HUMAN RESOURCES: Schuerer, Chair; Hammond and Redwine

**SSB 1188**

JUDICIARY: Miller, Chair; Holveck and McKean

**SSB 1189**

COMMERCE: Lundby, Chair; Deluhery and Schuerer

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of March, 2001:

Senate Files 83 and 258.

MICHAEL E. MARSHALL  
Secretary of the Senate

**COMMITTEE REPORTS**

**AGRICULTURE**

**Final Bill Action:** \*SENATE FILE 335 (SSB 1163), a bill for an act relating to species of animals by classifying certain species as livestock and providing exemptions from the sales and use tax for feed used to support the species.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, 1: Black.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 335, and they were attached to the committee report.

**COMMERCE**

**Final Bill Action:** SENATE FILE 337 (SSB 1142), a bill for an act relating to transfers of structured settlement payment rights for tort and workers' compensation claims, providing civil remedies, and an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Johnson, Schuerer, Deluhery, Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Maddox, Redfern, and Redwine. Nays, none. Absent or not voting, 3: Flynn, Lundby, and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**EDUCATION**

**Final Bill Action:** SENATE FILE 336 (SSB 1157), a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Boettger, Rehberg, Angelo, Harper, McKinley, Redfern, Redwine, Soukup, Tinsman, and Veenstra. Nays, 2: Dvorsky and Fink. Absent or not voting, 3: Connolly, Kramer, and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## SECOND AFTERNOON SESSION

The Senate reconvened at 4:19 p.m., President Kramer presiding.

### QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, for the day, on request of Senator Dvorsky; and Senators Connolly, Horn, and Flynn, for the day, on request of Senator Gronstal.

### CONSIDERATION OF BILLS

(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 125 and 276.

#### Senate File 125

On motion of Senator Bolkcom, **Senate File 125**, a bill for an act relating to membership in an interstate wildlife violators compact by the department of natural resources, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 125), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Iverson	Jensen	Johnson

Kibbie	King	Kramer	Lamberti
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Connolly	Flynn	Horn	Lundby
McCoy	McLaren		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 276

On motion of Senator Johnson, **Senate File 276**, a bill for an act relating to the licensure of persons acting as insurance producers, providing an effective date, and applying penalties, was taken up for consideration.

Senator Johnson offered amendment S-3117, filed by her on February 27, 2001, to pages 5-7 of the bill, and moved its adoption.

Amendment S-3117 was adopted by a voice vote.

Senator Johnson 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. 276), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Connolly  
McCoy

Flynn  
McLaren

Horn

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 4:37 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:11 p.m., President Kramer presiding.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 125** and **276** be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 279.

#### **Senate File 279**

On motion of Senator Johnson, **Senate File 279**, a bill for an act relating to allocation and payment of expenses arising from performance of duties by the Iowa utilities board and the consumer advocate, providing for a report by the Iowa utilities board, and providing an effective date, was taken up for consideration.

Senator Johnson 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. 279), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Connolly	Flynn	Horn	Lundby
McCoy	McLaren		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 127.

#### **Senate File 127**

On motion of Senator Rittmer, **Senate File 127**, a bill for an act authorizing certain criminal history and abuse record and registry access to the department of inspections and appeals for purposes of data verification and record checks of applicants for employment with the department, was taken up for consideration.

Senator Rittmer asked and received unanimous consent that **House File 192** be **substituted** for **Senate File 127**.

#### **House File 192**

On motion of Senator Rittmer, **House File 192**, a bill for an act authorizing certain criminal history and abuse record and registry

access to the department of inspections and appeals for purposes of data verification and record checks of applicants for employment with the department, was taken up for consideration.

Senator Rittmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 192), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Connolly	Flynn	Horn	Lundby
McCoy	McLaren		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate File 127** be **withdrawn** from further consideration of the Senate.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 279** and **House File 192** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:25 p.m. until 1:00 p.m. Monday, March 5, 2001.

## APPENDIX

### BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 1, 2001, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 258 – Relating to the extension of the tobacco settlement authority Act, and providing an effective date.

### REPORTS OF COMMITTEE MEETINGS

#### JUDICIARY

**Convened:** March 1, 2001, 3:15 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, King, Lamberti, McKean, Miller, and Tinsman.

**Members Absent:** Horn (excused).

**Committee Business:** Approved SSBs 1037 (as amended), 1104 (as amended), 1106 (as amended), and 1152 (as amended).

**Adjourned:** 4:10 p.m.

#### STATE GOVERNMENT

**Convened:** March 1, 2001, 2:18 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton.

**Members Absent:** Connolly and McLaren (both excused).

**Committee Business:** Passed SFs 138 and 208. Approved SSBs 1059 (as amended) and 1101.

**Adjourned:** 3:14 p.m.

### INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 6**, by committee on Natural Resources and Environment, a joint resolution nullifying an amendment to an administrative rule of the department of natural resources

eliminating the unprotected nongame status of reptiles and providing an effective date.

Read first time under Rule 28 and **placed on calendar.**

**Senate Concurrent Resolution 13**, by Kramer, Iverson, McKean, Veenstra, Boettger, Bartz, Johnson, McKinley, King, Miller, McKibben, Gaskill, Tinsman, McLaren, Behn, Greiner, Rittmer, Drake, Ziemann, Redwine, Schuerer, Maddox, Freeman, Lamberti, Lundby, Angelo, and Rehberg, a concurrent resolution requesting the congressional delegation of the state of Iowa support President Bush's tax relief proposal.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

#### INTRODUCTION OF BILLS

**Senate File 338**, by Hammond, Dvorsky, Soukup, and Harper, a bill for an act establishing a moratorium relating to the construction of structures that are part of certain confinement feeding operations, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Agriculture.**

**Senate File 339**, by committee on Natural Resources and Environment, a bill for an act relating to scheduled fines for hunting and fishing violations.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 340**, by committee on Agriculture, a bill for an act providing assistance regarding the development of grapes and wine, and providing an appropriation.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 341**, by committee on Transportation, a bill for an act making modifications to certain transportation-related fines, penalties, and salvage theft examination fees and registration fees for

vehicles nine model years old or older, and providing an effective date.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 342**, by committee on State Government, a bill for an act requiring voters to present identification containing a photograph to poll workers prior to voting.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 343**, by committee on State Government, a bill for an act extending veterans benefits, preferences, and tax exemptions to certain members of reserve forces of the United States and the Iowa national guard, and providing an effective date for property tax exemption claims.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 344**, by committee on State Government, a bill for an act restricting the exemption in the public records law for communications made to government bodies.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 345**, by Rehberg, a bill for an act relating to agricultural land leases for purposes of the family farm property tax credit and providing for the Act's applicability.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

## COMMITTEE REPORTS

### AGRICULTURE

**Final Bill Action:** \*SENATE FILE 340 (SSB 1164), a bill for an act providing assistance regarding the development of grapes and wine, and providing an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, 1: Black.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 340, and they were attached to the committee report.

## NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** SENATE JOINT RESOLUTION 6 (SSB 1159), a joint resolution nullifying an amendment to an administrative rule of the department of natural resources eliminating the unprotected nongame status of reptiles and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Sexton, Bartz, Fink, Drake, Freeman, Johnson, Kibbie, and Rittmer. Nays, 5: Black, Bolkcom, Dearden, Deluhery, and Miller. Absent or not voting, 2: Lundby and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 339 (formerly SF 272), by committee on natural resources and environment, a bill for an act relating to scheduled fines for hunting and fishing violations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Miller, and Rittmer. Nays, none. Absent or not voting, 2: Lundby and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 342 (SSB 1101), a bill for an act requiring voters to present identification containing a photograph to poll workers prior to voting.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: King, Lamberti, Drake, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, 5: Kibbie, Bolkcom, Dearden, Deluhery, and Fink. Absent or not voting, 2: Connolly and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 343 (formerly SF 138), a bill for an act extending veterans benefits, preferences, and tax exemptions to certain members of reserve forces of the United States and the Iowa national guard, and providing an effective date for property tax exemption claims.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: King, Lamberti, Kibbie, Bolkom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 2: Connolly and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 344 (formerly SF 208), a bill for an act restricting the exemption in the public records law for communications made to government bodies.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: King, Lamberti, Kibbie, Bolkom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 2: Connolly and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## TRANSPORTATION

**Final Bill Action:** \*SENATE FILE 341 (SSB 1128), a bill for an act making modifications to certain transportation-related fines, penalties, and salvage theft examination fees and registration fees for vehicles nine model years old or older, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Rittmer, Drake, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, Sexton, and Ziemann. Nays, none. Absent or not voting, 2: McCoy and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 341, and they were attached to the committee report.

## AMENDMENTS FILED

S-3125	S.F. 267	Steven D. Hansen
S-3126	S.F. 267	Steven D. Hansen

# JOURNAL OF THE SENATE

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FIFTY-SEVENTH CALENDAR DAY  
THIRTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 5, 2001

The Senate met in regular session at 1:05 p.m., President Kramer presiding.

Prayer was offered by Father Ouderkirk of St. Bridget's Catholic Church in Postville, Iowa, guest of Senator Ziemann.

The Senate observed a moment of silence in regard to the shootings at Santana High School in Santee, California.

The Journal of Thursday, March 1, 2001, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, until she arrives, on request of Senator Jensen.

## BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 184** and **320** be referred from the Regular Calendar to the committee on **Ways and Means**, and **Senate File 340** be referred from the Regular Calendar to the committee on **Appropriations**.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:22 p.m. until 9:00 a.m. Tuesday, March 6, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 5, 2001

#### DEPARTMENT OF EDUCATION

Early Intervention Class Size Survey Results 2000–2001, as pursuant to Iowa Code section 256D.3.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Iman El Khatib, Jefferson Junior High School, Dubuque — For receiving the Edith Rose Murphy Sackett Award for the best essay on a woman volunteer. Senator Connolly (03/01/01).

Mitchell Stephenson, Davenport — For achieving the rank of Eagle Scout. Senator Tinsman (03/05/01).

Brian Van Hoosier, Davenport — For achieving the rank of Eagle Scout. Senator Tinsman (03/05/01).

### PETITION

The following petition was presented and placed on file:

From 269 residents of Allamakee, Clayton, and Howard counties, Iowa, favoring legislation to expand Iowa's beverage container law (SF 97 and HF 69). Senator Zieman.

### INTRODUCTION OF BILLS

**Senate File 346**, by committee on Judiciary, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of

testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 347**, by committee on Judiciary, a bill for an act eliminating court costs and filing and service fees for plaintiffs seeking relief from domestic abuse.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 348**, by committee on Education, a bill for an act relating to the establishment of Iowa charter schools.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 349**, by committee on State Government, a bill for an act relating to information concerning contested case proceedings of the ethics and campaign disclosure board.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 350**, by committee on Transportation, a bill for an act making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 351**, by committee on Judiciary, a bill for an act relating to the criminal offenses of enticing a minor away and sexual exploitation of a minor and providing a penalty.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 352**, by Schuerer, a bill for an act relating to safe driving provisions, including road lane markings, motor vehicle

headlight use, and safe driving refresher courses, and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 353**, by Schuerer, a bill for an act establishing covenant marriages and providing an effective date.

Read first time under Rule 28 and referred to committee on **Human Resources.**

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 315**

NATURAL RESOURCES AND ENVIRONMENT: McLaren, Chair; Fink and Lundby

#### **Senate File 324**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Gaskill, Chair; Behn and Fiegen

#### **Senate File 326**

WAYS AND MEANS: Flynn, Chair; Drake and Miller

#### **Senate File 327**

WAYS AND MEANS: Harper, Chair; McKinley and Redwine

#### **Senate File 328**

WAYS AND MEANS: Greiner, Chair; Deluhery and Maddox

#### **Senate File 329**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Bolkcom and McLaren

#### **Senate File 332**

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Deluhery and McLaren

#### **Senate File 334**

EDUCATION: McKinley, Chair; Angelo and Fink

**House File 294**

EDUCATION: Tinsman, Chair; Dvorsky and Veenstra

**House File 349**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Greiner, Chair; Shearer and Veenstra

**House File 354**

HUMAN RESOURCES: Redwine, Chair; Boettger and Harper

**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on March 2, 2001, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 83 – Relating to the verification of a uniform citation and complaint issued by a law enforcement agency.

**EXPLANATION OF VOTES**

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 1, 2001, when the votes were taken on Senate Files 125, 276, and 279 and House File 192. Had I been present, I would have voted “Aye” on all.

MICHAEL W. CONNOLLY

**GOVERNOR’S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

**JUDICIARY**

Walter L. Kautzky – Director of the Department of Corrections

**COMMITTEE REPORTS****EDUCATION**

**Final Bill Action:** \*SENATE FILE 348 (SSB 1086), a bill for an act relating to the establishment of Iowa charter schools.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Boettger, Rehberg, Angelo, McKinley, Redfern, Redwine, Tinsman, and Veenstra. Nays, 6: Connolly, Dvorsky, Fink, Harper, Shearer, and Soukup. Absent or not voting, 1: Kramer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 348, and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** \*SENATE FILE 346 (SSB 1152), a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Redfern, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and Horn.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 346, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 347 (SSB 1106), a bill for an act eliminating court costs and filing and service fees for plaintiffs seeking relief from domestic abuse.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Redfern, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and Horn.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 347, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 351 (SSB 1104), a bill for an act relating to the criminal offenses of enticing a minor away and sexual exploitation of a minor and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Horn.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 351, and they were attached to the committee report.

#### STATE GOVERNMENT

**Final Bill Action:** \*SENATE FILE 349 (SSB 1059), a bill for an act relating to information concerning contested case proceedings of the ethics and campaign disclosure board.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 2: Connolly and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 349, and they were attached to the committee report.

#### TRANSPORTATION

**Final Bill Action:** \*SENATE FILE 350 (SSB 1046), a bill for an act making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Rittmer, Drake, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, Sexton, and Zieman. Nays, none. Absent or not voting, 3: McCoy, McKinley, and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 350, and they were attached to the committee report.

#### AMENDMENTS FILED

S-3127	S.F. 242	John Redwine Merlin E. Bartz
S-3128	S.F. 196	Richard F. Drake Patrick J. Deluhery

# JOURNAL OF THE SENATE

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FIFTY-EIGHTH CALENDAR DAY  
THIRTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 6, 2001

The Senate met in regular session at 9:00 a.m., President Kramer presiding.

Prayer was offered by the Reverend Dennis St. Lawrence, pastor of the Grace Baptist Church in Chariton, Iowa, guest of Senator McKinley.

The Journal of Monday, March 5, 2001, was approved.

## INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 14**, by Iverson, a concurrent resolution providing for a reduction in the appropriations from the general fund of the state for the legislative branch for the fiscal year beginning July 1, 2000, and ending June 30, 2001.

Read first time and referred to committee on **Rules and Administration**.

**Senate Resolution 18**, by Iverson, Kramer, Boettger, and Veenstra, a Senate resolution declaring March 6, 2001, Marriage Day.

Read first time and referred to committee on **Rules and Administration**.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:04 a.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 9:07 a.m., President Kramer presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 5, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 324**, a bill for an act relating to transportation, including provisions on road projects, vehicle sales, movement, and reports, and mailing of notices, and providing a penalty and an effective date.

Read first time and referred to committee on **Transportation**.

## COMMITTEE REPORT

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 18, a Senate resolution declaring March 6, 2001, Marriage Day.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Gronstal and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 18.

**Senate Resolution 18**

On motion of Senator Iverson, **Senate Resolution 18**, a Senate resolution declaring March 6, 2001, Marriage Day, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 18, which motion prevailed by a voice vote.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:19 a.m. until 1:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** March 5, 2001, 4:20 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann.

**Members Absent:** Black (excused).

**Committee Business:** Presentation regarding Foot and Mouth disease.

**Adjourned:** 5:10 p.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 6, 2001, 10:05 a.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed SF 233. Approved Governor's appointment. Presentation by DNR on self-audits.

**Adjourned:** 10:41 a.m.

#### RULES AND ADMINISTRATION

**Convened:** March 6, 2001, 9:03 a.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean.

**Members Absent:** Gronstal, Ranking Member; and Rittmer (both excused).

**Committee Business:** Passed SCR 14 and SR 18.

**Adjourned:** 9:06 a.m.

## INTRODUCTION OF BILLS

**Senate File 354**, by committee on Judiciary, a bill for an act relating to limitations on filing medical assistance claims against a decedent's estate.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 355**, by committee on Human Resources, a bill for an act providing for the transfer of custody and termination of parental rights for a newborn infant whose parent voluntarily surrenders physical custody at certain health facilities and providing for immunity from prosecution for child abandonment crimes for such parent, establishing confidentiality protections and a penalty, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 356**, by Flynn, Hammond, Harper, Dvorsky, Fink, Shearer, Connolly, Deluhery, Kibbie, Horn, McCoy, Gronstal, Fraise, Black, Hansen, Bolkcom, Dearden, Soukup, Holveck, and Fiegen, a bill for an act relating to expenditure by school districts of Iowa early intervention block grant program moneys for teacher compensation reform and student achievement activities.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 357**, by Hammond, a bill for an act providing for the utilization of cash reserves by a school district for increased utility costs, and providing effective dates.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 358**, by Shearer, a bill for an act providing for the issuance of no-contact orders against persons who are arrested for the crime of sexual abuse.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 359**, by Harper, a bill for an act relating to the issuance and renewal of resident hunting, fishing, and fur harvester licenses.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 360**, by Hansen, a bill for an act relating to standby adoptions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 361**, by Hansen, a bill for an act relating to the deadline for filing a protest to a property tax assessment and providing an applicability date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate Joint Resolution 5**

STATE GOVERNMENT: King, Chair; Kibbie and Sexton

#### **Senate File 184**

WAYS AND MEANS: Drake, Chair; Bolkcom and Miller

#### **Senate File 282**

JUDICIARY: Lamberti, Chair; Horn and Miller

#### **Senate File 305**

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Bolkcom and Lundby

#### **Senate File 307**

STATE GOVERNMENT: McLaren, Chair; Fink and King

#### **Senate File 308**

STATE GOVERNMENT: Lamberti, Chair; Connolly and McLaren

**Senate File 316**

STATE GOVERNMENT: Rittmer, Chair; Bolkcom and Sexton

**Senate File 320**

WAYS AND MEANS: Greiner, Chair; Flynn and McKinley

**Senate File 323**

STATE GOVERNMENT: Drake, Chair; Deluhery and Rittmer

**Senate File 330**

STATE GOVERNMENT: King, Chair; Bolkcom and Lamberti

**Senate File 345**

WAYS AND MEANS: Greiner, Chair; Deluhery and Miller

**House File 259**

STATE GOVERNMENT: Maddox, Chair; Dearden and McKean

**COMMITTEE REPORTS****HUMAN RESOURCES**

**Final Bill Action:** \*SENATE FILE 355 (SSB 1148), a bill for an act providing for the transfer of custody and termination of parental rights for a newborn infant whose parent voluntarily surrenders physical custody at certain health facilities and providing for immunity from prosecution for child abandonment crimes for such parent, establishing confidentiality protections and a penalty, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 355, and they were attached to the committee report.

**JUDICIARY**

**Final Bill Action:** \*SENATE FILE 354 (SSB 1037), a bill for an act relating to limitations on filing medical assistance claims against a decedent's estate.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Redfern, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and Horn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 354, and they were attached to the committee report.

#### **RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 14, a concurrent resolution providing for a reduction in the appropriations from the general fund of the state for the legislative branch for the fiscal year beginning July 1, 2000, and ending June 30, 2001.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Gronstal and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AFTERNOON SESSION

The Senate reconvened at 1:05 p.m., President Kramer presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox, until he returns, on request of Senator Angelo.

## QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent, and a quorum present.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 14.

**Senate Concurrent Resolution 14**

On motion of Senator Iverson, **Senate Concurrent Resolution 14**, a concurrent resolution providing for a reduction in the appropriations from the general fund of the state for the legislative branch for the fiscal year beginning July 1, 2000, and ending June 30, 2001, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate Concurrent Resolution 14** be **deferred**.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 267.

## Senate File 267

On motion of Senator Lamberti, **Senate File 267**, a bill for an act relating to state budgetary matters by providing for reductions and supplementation of appropriations made for the fiscal year beginning July 1, 2000, and transferring, crediting, and appropriating certain moneys, and providing an effective date, was taken up for consideration.

Senator Lamberti offered amendment S-3129, filed by him from the floor striking everything after the enacting clause of the bill.

The Senate stood at ease at 1:32 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 2:06 p.m., President Kramer presiding.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Fiegen, until he returns, on request of Senator Gronstal; and Senator Boettger, until she returns, on request of Senator Iverson.

### BUSINESS PENDING

## Senate File 267

The Senate resumed consideration of Senate File 267 and amendment S-3129.

Senator Harper offered amendment S-3132, filed by her from the floor to page 2 of amendment S-3129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3132 to amendment S-3129 be adopted?" (S.F. 267) the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 29:

Angelo	Bartz	Behn	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Boettger	Fiegen
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Amendment S–3132 lost.

Senator Dvorsky offered amendment S–3133, filed by him from the floor to page 2 of amendment S–3129, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3133 to amendment S–3129 be adopted?” (S.F. 267), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fiegen

Amendment S–3133 lost.

Senator Hammond offered amendment S-3134, filed by her from the floor to page 2 of amendment S-3129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3134 to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fiegen

Amendment S-3134 lost.

Senator Kibbie offered amendment S-3135, filed by him from the floor to page 2 of amendment S-3129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3135 to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 21:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn

Kibbie Soukup	Lundby	McCoy	Shearer
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Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Fiegen	McKinley
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Amendment S-3135 lost.

Senator Hammond offered amendment S-3138, filed by Senators Hammond and Dvorsky from the floor to page 2 of amendment S-3129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3138 to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Miller	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Fiegen	Jensen
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Amendment S-3138 lost.

Senator Dvorsky offered amendment S-3136, filed by him from the floor to page 2 of amendment S-3129.

Senator Dvorsky called for the following division of amendment S-3136:

Division S-3136A: Lines 3-10 and 25-36;

Division S-3136B: Lines 11-17; and

Division S-3136C: Lines 18-24.

Senator Dvorsky moved the adoption of division S-3136A to amendment S-3129.

A record roll call was requested.

On the question "Shall division S-3136A to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 29:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Drake	Fiegen
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Division S-3136A lost.

Senator Fraise moved the adoption of division S-3136B to amendment S-3129.

A record roll call was requested.

On the question “Shall division S–3136B to amendment S–3129 be adopted?” (S.F. 267), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Fiegen	Schuerer
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Division S–3136B lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rehberg, until she returns, on request of Senator Iverson.

## BUSINESS PENDING

### Senate File 267

The Senate resumed consideration of Senate File 267 and division S–3136C to amendment S–3129.

Senator Gronstal moved the adoption of division S–3136C.

A record roll call was requested.

On the question “Shall division S–3136C to amendment S–3129 be adopted?” (S.F. 267), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 2:

Fiegen	Rehberg
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Division S-3136C lost.

President Pro Tempore McKean took the chair at 4:18 p.m.

Senator Fink offered amendment S-3139, filed by him from the floor to page 3 of amendment S-3129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3139 to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox

McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fiegen

Amendment S-3139 lost.

Senator Shearer offered amendment S-3137, filed by him from the floor to page 7 of amendment S-3129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3137 to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fiegen

Amendment S-3137 lost.

Senator Gronstal offered amendment S-3141, filed by him from the floor to page 2 of amendment S-3129.

Senator Gronstal asked and received unanimous consent that action on amendment S-3141 to amendment S-3129 be deferred.

Senator Connolly offered amendment S-3142, filed by him from the floor to page 2 of amendment S-3129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3142 to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fiegen

Amendment S-3142 lost.

Senator Bolkcom offered amendment S-3145, filed by him from the floor to page 2 of amendment S-3129.

Senator Bolkcom called for the following division of amendment S-3145:

Division S-3145A: Lines 3-7;  
 Division S-3145B: Lines 8-12;  
 Division S-3145C: Lines 13-17; and  
 Division S-3145D: Lines 18-22.

Senator Bolcom moved the adoption of division S-3145A to amendment S-3129.

A record roll call was requested.

On the question "Shall division S-3145A to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 20:

Black	Bolcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Division S-3145A lost.

Senator Deluhery moved the adoption of division S-3145B to amendment S-3129.

A record roll call was requested.

On the question "Shall division S-3145B to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 20:

Black	Bolcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Division S-3145B lost.

Senator McCoy moved the adoption of division S-3145C to amendment S-3129.

A record roll call was requested.

On the question "Shall division S-3145C to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Division S-3145C lost.

Senator Hammond moved the adoption of division S-3145D to amendment S-3129.

A record roll call was requested.

On the question “Shall division S–3145D to amendment S–3129 be adopted?” (S.F. 267), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Schuerer	Shearer
Soukup			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Division S–3145D lost.

Senator Gronstal offered amendment S–3151, filed by him from the floor to pages 1–8 of amendment S–3129, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3151 to amendment S–3129 be adopted?” (S.F. 267), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-3151 lost.

Senator Black offered amendment S-3146, filed by him from the floor to page 2 of amendment S-3129, and moved its adoption.

Amendment S-3146 lost by a voice vote.

Senator Flynn offered amendment S-3147, filed by him from the floor to page 2 of amendment S-3129, and moved its adoption.

Amendment S-3147 lost by a voice vote.

Senator Dvorsky offered amendment S-3143, filed by him from the floor to page 2 of amendment S-3129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3143 to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox

McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-3143 lost.

Senator Black offered amendment S-3144, filed by him from the floor to page 4 of amendment S-3129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3144 to amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Rehberg

Amendment S-3144 lost.

The Senate resumed consideration of amendment S-3141, previously deferred.

Senator Gronstal moved the adoption of amendment S-3141 to amendment S-3129.

A record roll call was requested.

On the question “Shall amendment S–3141 to amendment S–3129 be adopted?” (S.F. 267), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

Amendment S–3141 was adopted.

Senator Flynn offered amendment S–3150, filed by him from the floor to page 2 of amendment S–3129, and moved its adoption.

Amendment S–3150 lost by a voice vote.

Senator Holveck offered amendment S–3149, filed by him from the floor to page 2 of amendment S–3129, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3149 to amendment S–3129 be adopted?” (S.F. 267), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-3149 lost.

Senator Flynn offered amendment S-3152, filed by him from the floor to page 3 of amendment S-3129, and moved its adoption.

Amendment S-3152 lost by a voice vote.

Senator Gronstal offered amendment S-3148, filed by him from the floor to page 8 of amendment S-3129, and moved its adoption.

Amendment S-3148 lost by a voice vote.

Senator Lamberti moved the adoption of amendment S-3129, as amended.

A record roll call was requested.

On the question "Shall amendment S-3129 be adopted?" (S.F. 267), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, none.

Amendment S-3129 was adopted.

With the adoption of amendment S-3129, the Chair ruled the following amendments out of order:

S-3126, filed by Senator Hansen on March 1, 2001, to pages 2-4 of the bill;

S-3124, filed by Senator Hansen on February 28, 2001, to page 4 of the bill;

S-3123, filed by Senator Hansen on February 28, 2001, to pages 4-6 of the bill;

S-3125, filed by Senator Hansen on March 1, 2001, to page 7 of the bill;

S-3104, filed by Senator Connolly on February 27, 2001, to page 15 of the bill;

S-3101, filed by Senator Connolly on February 27, 2001, to page 15 of the bill;

S-3109, filed by Senator Fink on February 27, 2001, to page 15 of the bill;

S-3098, filed by Senator Connolly on February 27, 2001, to pages 15-17 of the bill;

S-3099, filed by Senator Deluhery on February 27, 2001, to pages 15 and 16 of the bill;

S-3103, filed by Senators Kibbie and Hansen on February 27, 2001, to pages 15, 17, and 18 of the bill;

S-3102, filed by Senator Dvorsky on February 27, 2001, to page 18 of the bill;

S-3100, filed by Senator Connolly on February 27, 2001, to page 18 of the bill;

S-3107, filed by Senators Dvorsky and Bolkcom on February 27, 2001, to pages 18 and 19 of the bill;

S-3106, filed by Senator Hammond on February 27, 2001, to page 19 of the bill;

S-3105, filed by Senator Harper on February 27, 2001, to pages 19 and 20 of the bill;

S-3108, filed by Senators Hansen and Deluhery on February 27, 2001, to page 20 of the bill;

S-3094, filed by Senator Flynn on February 27, 2001, to page 27 of the bill;

S-3095, filed by Senator Holveck on February 27, 2001, to page 28 of the bill;

S-3087, filed by Senator Hammond on February 27, 2001, to page 28 of the bill;

S-3096, filed by Senator Gronstal on February 27, 2001, to pages 28 and 29 of the bill;

S-3085, filed by Senators Fraise and Shearer on February 27, 2001, to pages 29 and 30 of the bill;

S-3076, filed by Senator Dvorsky on February 27, 2001, to page 30 of the bill;

S-3077, filed by Senator Dvorsky on February 27, 2001, to page 30 of the bill;

S-3075, filed by Senator Fiegen on February 27, 2001, to pages 30 and 31 of the bill;

S-3078, filed by Senator Soukup on February 27, 2001 to page 30 of the bill;

S-3082, filed by Senator Dvorsky on February 27, 2001, to pages 30 and 31 of the bill;

S-3083, filed by Senator Shearer on February 27, 2001, to pages 30-32 of the bill;

S-3086, filed by Senator Hansen on February 27, 2001, to pages 30 and 31 of the bill;

S-3088, filed by Senators Hammond and Soukup on February 27, 2001, to page 30 of the bill;

S-3091, filed by Senator Holveck on February 27, 2001, to pages 30 and 31 of the bill;

S-3097, filed by Senator Gronstal on February 27, 2001, to pages 30 and 31 of the bill;

S-3081, filed by Senator Hammond on February 27, 2001, to page 32 of the bill;

S-3084, filed by Senator Shearer on February 27, 2001, to page 33 of the bill;

S-3090, filed by Senator Holveck on February 27, 2001, to page 33 of the bill;

S-3110, filed by Senator Dvorsky on February 27, 2001, to page 33 of the bill;

S-3089, filed by Senator Harper on February 27, 2001, to pages 33 and 34 of the bill;

S-3093, filed by Senator Hansen on February 27, 2001, to page 34 of the bill;

S-3074, filed by Senator Fiegen on February 27, 2001, to pages 34-36, of the bill;

S-3092, filed by Senator Harper on February 27, 2001, to pages 34 and 35 of the bill;

S-3079, filed by Senator Flynn on February 27, 2001, to pages 34 and 35 of the bill;

S-3080, filed by Senator Flynn on February 27, 2001, to pages 34 and 35 of the bill; and

S-3111, filed by Senator Dvorsky on February 27, 2001, to page 36 of the bill.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 267), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 6, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 77**, a bill for an act relating to presidential electors' compensation.

Read first time and referred to committee on **State Government**.

**House File 154**, a bill for an act concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty.

Read first time and attached to **companion Senate File 252**.

**House File 272**, a bill for an act relating to felonious misconduct by a public officer or employee and providing a penalty.

Read first time and referred to committee on **Judiciary**.

**House File 310**, a bill for an act relating to child support enforcement, including disclosure of certain juvenile court records to the child support recovery unit, waiting periods for administrative review and adjustment of orders, and federal tax and nontax setoff payments for accrued support, and providing effective dates.

Read first time and referred to committee on **Human Resources**.

**House File 327**, a bill for an act relating to the criminal offenses of enticing a minor away and sexual exploitation of a minor and providing a penalty.

Read first time and attached to **similar Senate File 351**.

**House File 383**, a bill for an act relating to the designation of model communities in projects, pilot projects, or similar initiatives undertaken by the governor or the executive branch.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 403**, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and providing effective and applicability dates.

Read first time and referred to committee on **State Government**.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 267** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:45 p.m. until 9:00 a.m. Wednesday, March 7, 2001.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Emily A. Nagle, Jefferson Junior High School, Dubuque — For being a second-place winner of the best essay on women in science and engineering for 6th and 7th grades in the “Write Women Back Into History” contest. Senator Connolly (03/06/01).

Christopher M. Yeager, Dubuque — For achieving the rank of Eagle Scout. Senator Connolly (03/06/01).

### REPORTS OF COMMITTEE MEETINGS

#### EDUCATION

**Convened:** March 6, 2001, 12:07 p.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Tinsman, and Veenstra.

**Members Absent:** Connolly, Ranking Member; Redfern and Soukup (all excused).

**Committee Business:** Passed SF 300.

**Adjourned:** 12:56 p.m.

#### LOCAL GOVERNMENT

**Convened:** March 6, 2001, 10:48 a.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Gaskill, Johnson, McKibben, Schuerer, and Zieman.

**Members Absent:** Horn and McCoy (both excused).

**Committee Business:** Approved SSB 1091 and passed SF 81. Approved Governor’s appointees.

**Adjourned:** 11:10 a.m.

#### STATE GOVERNMENT

**Convened:** March 6, 2001, 10:51 a.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

**Members Absent:** Connolly (excused).

**Committee Business:** Passed SCR 7. Approved SSBs 1093 (as amended), 1127 (as amended), and 1155 (as amended).

**Adjourned:** 11:59 a.m.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 15**, by Johnson, Redwine, Jensen, Maddox, Bolkcom, Horn, and Harper, a concurrent resolution declaring the month of May 2001 as Obesity Awareness Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 362**, by committee on Natural Resources and Environment, a bill for an act relating to a scheduled fine for failure to complete a deer or wild turkey harvest report.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 363**, by Holveck, Maddox, Harper, Lundby, Horn, Deluhery, Shearer, Fiegen, Dearden, Bolkcom, Fink, Hammond, and Dvorsky, a bill for an act relating to the designation of a "Juneteenth National Freedom Day".

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 364**, by Johnson, a bill for an act relating to the discovery of certain trust information by a party which is relevant to the subject matter of a pending civil action.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 365**, by Hansen, a bill for an act providing an elderly dependent care tax credit under the individual income tax for an individual who provides household services and care for certain dependents and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

**Senate File 366**, by Hansen, a bill for an act providing a flat annual motor vehicle registration fee for certain fuel-efficient motor vehicles.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 367**, by Fink, a bill for an act relating to the compulsory attendance age of a child who has reached the age of sixteen.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 368**, by Tinsman, a bill for an act establishing a pilot project in cooperation with counties for mandatory registration of family child care homes.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 369**, by Fink, a bill for an act relating to the compulsory attendance age and attendance at school during the regular school calendar by a child who has reached the age of sixteen.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 370**, by Rittmer and Bolkcom, a bill for an act relating to the establishment of a system of oversight for adult day services.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 371**, by Connolly, a bill for an act establishing an energy conservation program for school districts.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 372**, by committee on Local Government, a bill for an act relating to the powers and duties of the county recorder relating to the recording and keeping of documents.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 373**, by Holveck, a bill for an act relating to required notices of health insurance premium increases.

Read first time under Rule 28 and referred to committee on **Commerce**.

#### STUDY BILLS RECEIVED

**SSB 1190      Education**

Relating to the establishment of a student achievement and teacher quality program.

**SSB 1191      State Government**

Creating a carbon monoxide alarm installation and inspection program, providing a penalty, and making an appropriation.

**SSB 1192      State Government**

Relating to the method of identifying precincts to be recounted for purposes of election recounts.

**SSB 1193      State Government**

Providing authority to participating agencies to establish pilot projects for the refund of fees associated with certain licenses and certifications.

**SSB 1194 State Government**

Relating to the filing of statements and organization of the contest court in election contests involving presidential electors and congresspersons.

**SSB 1195 State Government**

Relating to voter registration forms, voter identification numbers, and voter registration lists.

**SSB 1196 State Government**

Requiring certain voters to vote in person after registering to vote by mail.

**SSB 1197 Education**

Relating to and making an appropriation for the school ready children grants account in the Iowa community empowerment fund.

**SSB 1198 Commerce**

Relating to standards of and participation in the title guaranty program.

**SSB 1199 Business and Labor Relations**

Relating to public safety and child labor law administered by the labor commissioner, including amusement device, ride, and equipment regulation, and elevator facility regulation, and providing civil penalties for violations of related provisions.

**SSB 1200 Commerce**

Relating to cemetery and funeral merchandise and funeral services, establishing permit and purchase agreement requirements, establishing and appropriating fees, and providing administration, enforcement and liquidation procedures, and penalties.

**SSB 1201      Business and Labor Relations**

Relating to income, franchise, and gross premiums tax credits for businesses that provide child care employee benefits to their employees and including an applicability date provision.

**SSB 1202      Agriculture**

Relating to procedures for corporations associated with agriculture, and providing an effective date.

**SSB 1203      Agriculture**

Providing for a grain infrastructure assessment study, and making an appropriation.

**SSB 1204      Judiciary**

Relating to a criminal sentence subject to the maximum accumulation of earned time credits of fifteen percent of the total sentence of confinement.

**SSB 1205      Human Resources**

Relating to cigarettes and tobacco products, including permits for retailers of cigarettes, appropriating fees, providing penalties, and providing effective dates.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 312**

LOCAL GOVERNMENT: Schuerer, Chair; Gaskill and McCoy

**Senate File 313**

LOCAL GOVERNMENT: McKibben, Chair; Angelo and Fraise

**Senate File 333**

BUSINESS AND LABOR RELATIONS: Behn, Chair; Fraise, Freeman, Horn, and Schuerer

**Senate File 353**

HUMAN RESOURCES: Schuerer, Chair; Dvorsky and Veenstra

**Senate File 360**

HUMAN RESOURCES: Behn, Chair; Holveck and Schuerer

**Senate File 361**

WAYS AND MEANS: Maddox, Chair; Holveck and Lamberti

**Senate File 363**

STATE GOVERNMENT: King, Chair; Bolkcom and Lamberti

**House File 326**

JUDICIARY: Redfern, Chair; Holveck and Miller

**SSB 1190**

EDUCATION: Kramer, Chair; Boettger, Connolly, McKinley, and Soukup

**SSB 1191**

STATE GOVERNMENT: King, Chair; Kibbie and Lamberti

**SSB 1192**

STATE GOVERNMENT: McKean, Chair; Drake and Fink

**SSB 1193**

STATE GOVERNMENT: Maddox, Chair; Connolly and McLaren

**SSB 1194**

STATE GOVERNMENT: McKean, Chair; Fink and King

**SSB 1195**

STATE GOVERNMENT: King, Chair; Deluhery and McLaren

**SSB 1196**

STATE GOVERNMENT: Drake, Chair; Dearden and King

**SSB 1197**

EDUCATION: Boettger, Chair; Connolly and Rehberg

**SSB 1198**

COMMERCE: Jensen, Chair; Deluhery and Schuerer

**SSB 1199**

BUSINESS AND LABOR RELATIONS: Greiner, Chair; Dearden and King

**SSB 1200**

COMMERCE: Maddox, Chair; Deluhery and Freeman

**SSB 1201**

BUSINESS AND LABOR RELATIONS: McKibben, Chair; Behn and Hammond

**SSB 1202**

AGRICULTURE: Kibbie, Chair; Fraise and McLaren

**SSB 1203**

AGRICULTURE: Behn, Chair; Gaskill and Kibbie

**SSB 1204**

JUDICIARY: McKean, Chair; Hammond and Maddox

**SSB 1205**

HUMAN RESOURCES: Hammond, Chair; Schuerer and Tinsman

**GOVERNOR'S APPOINTEE PLACED ON  
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

**NATURAL RESOURCES AND ENVIRONMENT**

Richard Francisco – Natural Resource Commission

**COMPANION BILL RECEIVED**

On March 6, 2001, **House File 154** was received and attached to companion **Senate File 252** on the Senate calendar.

## SIMILAR BILL RECEIVED

On March 6, 2001, **House File 327** was received and attached to similar **Senate File 351** on the Senate calendar.

## COMMITTEE REPORTS

## LOCAL GOVERNMENT

**Final Bill Action:** SENATE FILE 81, a bill for an act relating to limitations on the disbursement of economic development financial assistance moneys by state agencies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Miller, Angelo, Hansen, Bartz, Black, Fraise, Gaskill, Johnson, McKibben, Schuerer, and Ziemann. Nays, none. Absent or not voting, 2: Horn and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 372 (SSB 1091), a bill for an act relating to the powers and duties of the county recorder relating to the recording and keeping of documents.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Miller, Angelo, Hansen, Bartz, Fraise, Gaskill, Johnson, McKibben, Schuerer, and Ziemann. Nays, none. Absent or not voting, 3: Black, Horn, and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** SENATE FILE 362 (formerly SF 233), a bill for an act relating to a scheduled fine for failure to complete a deer or wild turkey harvest report.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sexton, Bartz, Fink, Black, Bolckcom, Dearden, Deluhery, Freeman, Johnson, Kibbie, Lundby, Miller, and Rittmer. Nays, none. Absent or not voting, 2: Drake and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## STATE GOVERNMENT

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 7, a concurrent resolution requesting that the United States Congress adopt daylight saving time as the national standard of keeping time throughout the year.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S-3129	S.F.	267	Jeff Lamberti
S-3130	S.F.	165	Steven D. Hansen
S-3131	S.F.	165	Steven D. Hansen
S-3132	S.F.	267	Patricia Harper
S-3133	S.F.	267	Robert E. Dvorsky
S-3134	S.F.	267	Johnie Hammond
S-3135	S.F.	267	John P. Kibbie
S-3136	S.F.	267	Robert E. Dvorsky
S-3137	S.F.	267	Mark Shearer
S-3138	S.F.	267	Johnie Hammond Robert E. Dvorsky
S-3139	S.F.	267	Bill Fink
S-3140	S.C.R.	14	Michael E. Gronstal
S-3141	S.F.	267	Michael E. Gronstal
S-3142	S.F.	267	Mike Connolly
S-3143	S.F.	267	Robert E. Dvorsky
S-3144	S.F.	267	Dennis H. Black
S-3145	S.F.	267	Joe Bolkcom
S-3146	S.F.	267	Dennis H. Black
S-3147	S.F.	267	Tom Flynn
S-3148	S.F.	267	Michael E. Gronstal
S-3149	S.F.	267	Jack Holveck
S-3150	S.F.	267	Tom Flynn
S-3151	S.F.	267	Michael E. Gronstal
S-3152	S.F.	267	Tom Flynn
S-3153	S.F.	184	Richard F. Drake

# JOURNAL OF THE SENATE

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FIFTY-NINTH CALENDAR DAY  
THIRTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 7, 2001

The Senate met in regular session at 9:09 a.m., President Kramer presiding.

Prayer was offered by Bishop Dinardo, Diocese of Sioux City, Iowa, guest of Senator Redwine.

The Journal of Tuesday, March 6, 2001, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she arrives, on request of Senator Iverson.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 12.

### **Senate Resolution 12**

On motion of Senator Maddox, **Senate Resolution 12**, a Senate resolution honoring Theresa J. Uchtyl, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved the adoption of Senate Resolution 12, which motion prevailed by a voice vote.

## SPECIAL GUEST

Senator Maddox welcomed Miss Theresa Uchytel, Miss Iowa 2000. Miss Uchytel is an accomplished baton twirler and a national spokesperson for the Shriners Hospitals for Children. She is educating the public with her pageant platform “Facing the Challenge.”

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Angelo and McKibben, until they arrive, on request of Senator Iverson; and Senator McCoy, until he arrives, on request of Senator Gronstal.

## UNFINISHED BUSINESS (Deferred March 6, 2001)

### **Senate Concurrent Resolution 14**

The Senate resumed consideration of **Senate Concurrent Resolution 14**, a concurrent resolution providing for a reduction in the appropriations from the general fund of the state for the legislative branch for the fiscal year beginning July 1, 2000, and ending June 30, 2001, deferred March 6, 2001.

Senator Gronstal offered amendment S-3140, filed by him on March 6, 2001, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3140 be adopted?” (S.C.R. 14), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Kibbie
Shearer	Soukup		

Nays, 28:

Bartz	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Horn
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 4:

Angelo	Lundby	McCoy	McKibben
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Amendment S–3140 lost.

Senator Iverson moved the adoption of Senate Concurrent Resolution 14, which motion prevailed by a voice vote.

#### BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 341** and **343** be referred from the Regular Calendar to the committee on **Ways and Means**.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 14** be **immediately messaged** to the House.

#### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 6, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 341**, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing an effective date.

Read first time and referred to committee on **Human Resources**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:35 a.m. until 3:15 p.m.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 7, 2001

#### DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

FY 2001 Semi-Annual Report of the Office of Renewable Fuels and Co-Products.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

May Handy, Shenandoah — For celebrating your 102nd birthday on March 17, 2001.  
Senator Angelo (03/07/01).

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** March 7, 2001, 1:10 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Gronstal, Hansen, Jensen, King, Lundby, Redfern, and Redwine.

**Members Absent:** Freeman, Maddox, and McCoy (all excused).

**Committee Business:** Approved SSB 1145.

**Adjourned:** 1:15 p.m.

#### EDUCATION

**Convened:** March 7, 2001, 9:45 a.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** Angelo (excused).

**Committee Business:** Passed SSB 1197.

**Adjourned:** 9:47 a.m.

## HUMAN RESOURCES

**Convened:** March 7, 2001, 10:40 a.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra.

**Members Absent:** Hammond, Ranking Member (excused).

**Committee Business:** Passed SF 36 (as amended) and approved SSBs 1017 (as amended) and 1187.

**Adjourned:** 11:52 a.m.

## INTRODUCTION OF BILLS

**Senate File 374**, by committee on State Government, a bill for an act relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 375**, by committee on State Government, a bill for an act relating to campaign finance law and providing penalties.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 376**, by committee on Education, a bill for an act relating to a bona fide retirement for teachers and nurses under the Iowa public employees' retirement system.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 377**, by Johnson, a bill for an act relating to the statute of limitations and burden of proof in petitions to correct, vacate, or modify a final judgment or order, or grant a new trial, based upon irregularity or fraud.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 378**, by Soukup, a bill for an act relating to the authorization of a school district board of directors to impose the instructional support levy.

Read first time under Rule 28 and referred to committee on **Education.**

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 331**

TRANSPORTATION: Rittmer, Chair; Kibbie and McLaren

#### **Senate File 338**

AGRICULTURE: Gaskill, Chair; Shearer and Zieman

#### **Senate File 340**

APPROPRIATIONS: Gaskill, Chair; Angelo and Soukup

#### **Senate File 341**

WAYS AND MEANS: Drake, Chair; Connolly and Rehberg

#### **Senate File 343**

WAYS AND MEANS: Drake, Chair; Bolkcom and Miller

#### **Senate File 352**

TRANSPORTATION: Rittmer, Chair; Dearden and Freeman

#### **Senate File 356**

EDUCATION: Boettger, Chair; Connolly and Rehberg

#### **Senate File 357**

EDUCATION: Boettger, Chair; Connolly and Rehberg

#### **Senate File 364**

JUDICIARY: Redfern, Chair; Fraise and Miller

#### **Senate File 365**

WAYS AND MEANS: Rehberg, Chair; Holveck and Lamberti

#### **Senate File 367**

EDUCATION: Fink, Chair; Tinsman and Veenstra

**Senate File 369**

EDUCATION: Fink, Chair; Tinsman and Veenstra

**Senate File 373**

COMMERCE: Johnson, Chair; Flynn and Jensen

**Senate File 378**

EDUCATION: Redfern, Chair; Boettger and Soukup

**House File 383**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Lamberti, Chair; Behn and Dvorsky

**NOTICE OF HEARING**

Jeffrey R. Vonk, appointed by the Governor as the Director of the Department of Natural Resources, will appear before the investigating subcommittee of the Senate Natural Resources and Environment Committee on March 20, 2001, at 1:00 p.m., Room 22, State Capitol Building.

MIKE SEXTON, Subcommittee Chair

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**LOCAL GOVERNMENT**

Kevin Wynn – County Finance Committee

Mark Monson – Iowa Lewis and Clark Bicentennial Commission

Kari Sliva – Iowa Lewis and Clark Bicentennial Commission

**COMMITTEE REPORTS****EDUCATION**

**Final Bill Action:** \*SENATE FILE 376 (formerly SF 300), a bill for an act relating to a bona fide retirement for teachers and nurses under the Iowa public employees' retirement system.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Boettger, Rehberg, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 3: Connolly, Redfern, and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 376, and they were attached to the committee report.

## STATE GOVERNMENT

**Final Bill Action:** \*SENATE FILE 374 (SSB 1155), a bill for an act relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: King, Lamberti, Kibbie, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, 2: Bolkcom and Dearden. Absent or not voting, 1: Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 374, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 375 (SSB 1093), a bill for an act relating to campaign finance law and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: King, Lamberti, Dearden, Drake, Fink, Jensen, Maddox, McKean, McLaren, and Rittmer. Nays, 4: Kibbie, Bolkcom, Deluhery, and Sexton. Absent or not voting, 1: Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 375, and they were attached to the committee report.

### AFTERNOON SESSION

The Senate reconvened at 3:40 p.m., President Kramer presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator McKean.

### QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent, and a quorum present.

### UNFINISHED BUSINESS (Deferred February 27, 2001)

#### **Senate File 165**

The Senate resumed consideration of **Senate File 165**, a bill for an act enacting the Iowa English language reaffirmation Act of 2001, deferred February 27, 2001.

The Senate stood at ease at 4:01 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:09 p.m., President Kramer presiding.

Senator Bolkcom offered amendment S-3154, filed by him from the floor to pages 1-3 of the bill, and moved its adoption.

Amendment S-3154 lost by a voice vote.

Senator Connolly offered amendment S-3157, filed by him from the floor to pages 1-3 and to the title page of the bill.

Senator Connolly moved the adoption of amendment S-3157.

Amendment S–3157 lost by a voice vote.

Senator King offered amendment S–3073, filed by the committee on State Government on February 22, 2001, to page 2 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S–3073 and **Senate File 165** be **deferred**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 196.

**Senate File 196**

On motion of Senator Drake, **Senate File 196**, a bill for an act relating to conflicts of interest of public officers and employees, including lobbyist and clients reports, and review of documents related to campaign finance disclosure reports, was taken up for consideration.

Senator Drake offered amendment S–3128, filed by Senators Drake and Deluhery on March 5, 2001, to pages 1 and 2 of the bill and moved its adoption.

Amendment S–3128 was adopted by a voice vote.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 196), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby

Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 7, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 271**, a bill for an act adding specified document preparation and modification to the list of acts defining the activities of a real estate broker.

Read first time and referred to committee on **Commerce**.

**House File 370**, a bill for an act creating new criminal offenses related to the drug 3,4-methylenedioxymethamphetamine.

Read first time and referred to committee on **Judiciary**.

### BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 376** be referred from the Regular Calendar to the committee on **State Government**.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 103.

### Senate File 103

On motion of Senator Jensen, **Senate File 103**, a bill for an act permitting cooperative associations to deal with nonmembers, to use fictitious names, and to issue memberships without charge; to permit electric cooperatives to have multiple classes of members; and providing an effective date, was taken up for consideration.

Senator Jensen offered amendment S-3072, filed by him on February 20, 2001, to page 2 of the bill and moved its adoption.

Amendment S-3072 was adopted by a voice vote.

Senator Jensen asked and received unanimous consent that **House File 286** be substituted for **Senate File 103**.

### House File 286

On motion of Senator Jensen, **House File 286**, a bill for an act permitting cooperative associations to deal with nonmembers, to use fictitious names, and to issue memberships without charge; to permit electric cooperatives to have multiple classes of members; and providing an effective date, was taken up for consideration.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 286), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer

Sexton  
Veenstra

Shearer  
Zieman

Soukup

Tinsman

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Jensen asked and received unanimous consent that **Senate File 103** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 196** and **House File 286** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 325.

### Senate File 325

On motion of Senator Freeman, **Senate File 325**, a bill for an act relating to regulation of multiple employer welfare arrangements by the commissioner of insurance, repealing the future repeal date for such regulation, and providing an effective date, was taken up for consideration.

Senator Freeman asked and received unanimous consent that **House File 325** be **substituted** for **Senate File 325**.

### House File 325

On motion of Senator Freeman, **House File 325**, a bill for an act relating to regulation of multiple employer welfare arrangements by

the commissioner of insurance, repealing the future repeal date for such regulation, and providing an effective date, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 325), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Freeman asked and received unanimous consent that **Senate File 325** be **withdrawn** from further consideration of the Senate.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 257.

## Senate File 257

On motion of Senator Behn, **Senate File 257**, a bill for an act amending the strategic planning duties of the Iowa economic development board, was taken up for consideration.

Senator Behn asked and received unanimous consent that **House File 230** be **substituted** for **Senate File 257**.

## House File 230

On motion of Senator Behn, **House File 230**, a bill for an act amending the strategic planning duties of the Iowa economic development board, was taken up for consideration.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 230), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Behn asked and received unanimous consent that **Senate File 257** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 230** and **325** be **immediately messaged** to the House.

## BUSINESS PENDING

**Senate File 165**

The Senate resumed consideration **Senate File 165**, a bill for an act enacting the Iowa English language reaffirmation Act of 2001, and amendment S-3073, previously deferred.

Senator King moved the adoption of amendment S-3073, which motion prevailed by a voice vote.

Senator Gronstal offered amendment S-3171, filed by Senator Gronstal, et al., from the floor to pages 1, 3, and to the title page of the bill.

Senator King raised the point of order that amendment S-3171 was not germane to the bill.

The Chair ruled the point well-taken and the amendment S-3171 out of order.

President Pro Tempore McKean took the chair at 6:35 p.m.

Senator Hansen offered amendment S-3121, filed by him on February 27, 2001, to pages 1-3 and to the title page of the bill, and moved its adoption.

Amendment S-3121 lost by a voice vote.

Senator Hansen offered amendment S-3122, filed by him on February 27, 2001, to pages 1-3 and to the title page of the bill.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3122.

Senator Hansen offered amendment S-3159, filed by him from the floor to pages 1 and 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3159 be adopted?" (S.F. 165), the vote was:

Ayes, 18:

Black	Connolly	Dearden	Deluhery
Fiegen	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
Shearer	Soukup		

Nays, 32:

Angelo	Bartz	Behn	Boettger
Bolkcom	Drake	Dvorsky	Freeman
Gaskill	Greiner	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, none.

Amendment S-3159 lost.

Senator Hansen offered amendment S-3164, filed by him from the floor to pages 1 and 3 of the bill, and moved its adoption.

Amendment S-3164 lost by a voice vote.

Senator Hansen offered amendment S-3163, filed by him from the floor to page 1 of the bill.

Senator Veenstra took the chair at 7:33 p.m.

Senator Connolly called for the following division of amendment S-3163:

Division S-3163A: Lines 2 and 3; and  
Division S-3163B: Lines 4-6.

Senator Hansen asked and received unanimous consent to withdraw division S-3163A.

Senator Hansen moved the adoption of division S-3163B.

Division S-3163B lost by a voice vote.

Senator Hansen offered amendment S-3162, filed by him from the floor to page 1 of the bill.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3162.

Senator Hansen offered amendment S-3160, filed by him from the floor to page 1 of the bill.

Senator King raised the point of order that amendment S-3160 was not germane to the bill.

The Chair ruled the point not well-taken and the amendment S-3160 in order.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3160.

Senator Hammond offered amendment S-3165, filed by her from the floor to page 1 of the bill.

Senator Hammond asked and received unanimous consent to withdraw amendment S-3165.

Senator Hansen offered amendment S-3161, filed by him from the floor to page 2 of the bill.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3161.

President Kramer took the chair at 8:10 p.m.

Senator Hansen offered amendment S-3131, filed by him on March 6, 2001, to page 2 of the bill.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3131.

Senator Gronstal offered amendment S-3156, 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-3156 be adopted?" (S.F. 165), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Black	Boettger	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	Lundby	Maddox
McCoy	Shearer	Soukup	Tinsman

Nays, 26:

Angelo	Bartz	Behn	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-3156 lost.

Senator Shearer offered amendment S-3169, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-3169 lost by a voice vote.

Senator Hammond offered amendment S-3166, filed by her from the floor to page 2 of the bill, and moved its adoption.

Amendment S-3166 lost by a voice vote.

Senator Hansen offered amendment S-3130, filed by him on March 6, 2001, to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3130 be adopted?" (S.F. 165), the vote was:

Ayes, 17:

Black	Connolly	Dearden	Deluhery
Fiegen	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	Shearer
Soukup			

Nays, 33:

Angelo	Bartz	Behn	Boettger
Bolkcom	Drake	Dvorsky	Freeman
Gaskill	Greiner	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-3130 lost.

Senator Hansen offered amendment S-3158, filed by him from the floor to page 3 of the bill.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3158.

Senator Fiegen offered amendment S-3167, filed by him from the floor to page 3 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3167 be adopted?” (S.F. 165), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, none.

Amendment S–3167 lost.

Senator Gronstal offered amendment S–3168, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S–3168 lost by a voice vote.

Senator Connolly offered amendment S–3172, filed by him from the floor to page 1 of the bill.

Senator Connolly called for the following division of amendment S–3172:

Division S–3172A: Lines 2–4; and  
 Division S–3172B: Lines 5 and 6.

Senator Connolly asked and received unanimous consent to withdraw division S–3172B.

Senator Connolly moved the adoption of division S–3172A.

A record roll call was requested.

On the question "Shall division S-3172A be adopted?" (S.F. 165), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup	Tinsman		

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Veenstra	Zieman

Absent or not voting, none.

Division S-3172A lost.

Senator Dvorsky offered amendment S-3170, 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-3170 be adopted?" (S.F. 165), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Maddox	McCoy	Shearer
Soukup			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-3170 lost.

Senator Behn took the chair at 10:33 p.m.

President Kramer took the chair at 10:45 p.m.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 165), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	McLaren	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Nays, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Maddox	McCoy	Redfern
Shearer	Soukup	Tinsman	

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 165** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:59 p.m. until 9:00 a.m. Thursday, March 8, 2001.

**APPENDIX**

**COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 7, 2001

**OFFICE OF THE GOVERNOR**

Task Force Report on the Future Structure and Governance of the Iowa Public Employees Retirement System — January 22, 2001.

**DEPARTMENT OF TRANSPORTATION**

Report of the Iowa Department of Transportation's review of the federal outdoor advertising bonus program restrictions — March 6, 2001.

**CERTIFICATE OF RECOGNITION**

The Secretary of the Senate issued the following certificate of recognition:

Marshalltown Community Y Outreach Program, Marshalltown – For receiving the President's Daily Points of Light Award. Senator McKibben (03/07/01).

**GOVERNOR'S APPOINTEE PLACED ON  
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

**JUDICIARY**

Douglas Book – Iowa Drug Policy Advisory Council

**REPORTS OF COMMITTEE MEETINGS**

**JUDICIARY**

**Convened:** March 7, 2001, 2:05 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1112 and 1166. Passed SF 253 and HF 194. Approved Governor's appointee.

**Adjourned:** 3:05 p.m.

## WAYS AND MEANS

**Convened:** March 7, 2001, 3:10 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** None.

**Committee Business:** Passed HJR 5.

**Adjourned:** 3:36 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Joint Resolution 7**, by Iverson and Gronstal, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 379**, by committee on Education, a bill for an act relating to and making an appropriation for the school ready children grants account in the Iowa community empowerment fund.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 380**, by Redfern, a bill for an act providing for a decreasing enrollment rolling average budget adjustment.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 381**, by Fiegen, a bill for an act to provide for the issuance of deer depredation permits to landowners and providing a penalty.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

**Senate File 382**, by Fiegen, a bill for an act to increase the limits on the value of certain exempt property.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 383**, by Fiegen, a bill for an act relating to forcible entry and detainer actions and improvements made by a mobile home tenant to a mobile home space.

Read first time under Rule 28 and referred to committee on **Commerce.**

**Senate File 384**, by committee on Commerce, a bill for an act relating to pay plans for certain employees of the credit union division of the department of commerce.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 385**, by Angelo, a bill for an act relating to compensation of peace officers employed by the department of public safety.

Read first time under Rule 28 and referred to committee on **State Government.**

**Senate File 386**, by Connolly, a bill for an act relating to the establishment of a smaller learning communities pilot program for school districts and making an appropriation.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 387**, by committee on State Government, a bill for an act relating to the regulation of auctions and the licensing of auctioneers and other auction personnel and providing fees, penalties, and an appropriation.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 388**, by committee on Agriculture, a bill for an act relating to procedures for corporations associated with agriculture, and providing an effective date.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 389**, by Deluhery, Hammond, Bolkcom, Dearden, Dvorsky, Connolly, Horn, Flynn, Harper, Black, Kibbie, Fraise, and Soukup, a bill for an act relating to the licensing and regulation of food establishments and food processing plants, establishing fees, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

#### STUDY BILLS RECEIVED

##### **SSB 1206      Business and Labor Relations**

Relating to occupational safety and health standards violations which cause or contribute to the death of an employee and providing penalties.

##### **SSB 1207      Business and Labor Relations**

Relating to the confidentiality of files, exemption from compulsory process, and execution of search warrants by the labor commissioner and division of labor services, and providing penalties.

**SSB 1208      Local Government**

Relating to the appointment and dismissal of a police chief or marshal under a mayor-council form of city government.

**SSB 1209      Local Government**

Requiring Iowa state university to conduct a land use policies study.

**SSB 1210      State Government**

Relating to voting marks on ballots cast in an election or recounted after an election and the manner in which the votes are to be recounted.

**SSB 1211      Judiciary**

Relating to the limitation on products liability of wholesalers, retailers, distributors, and sellers of products.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 371**

EDUCATION: Rehberg, Chair; Boettger and Connolly

**SSB 1206**

BUSINESS AND LABOR RELATIONS: King, Chair; Dearden and Schuerer

**SSB 1207**

BUSINESS AND LABOR RELATIONS: McKibben, Chair; Behn and Horn

**SSB 1208**

LOCAL GOVERNMENT: Zieman, Chair; Bartz and Fraise

**SSB 1209**

LOCAL GOVERNMENT: Miller, Chair; Angelo and Hansen

**SSB 1210**

STATE GOVERNMENT: Sexton, Chair; Kibbie and McKean

## SSB 1211

JUDICIARY: Lamberti, Chair; Holveck and McKean

## COMMITTEE REPORTS

## AGRICULTURE

**Final Bill Action:** SENATE FILE 388 (SSB 1202), a bill for an act relating to procedures for corporations associated with agriculture, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Behn, Angelo, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Fraise and Bartz.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## COMMERCE

**Final Bill Action:** \*SENATE FILE 384 (SSB 1145), a bill for an act relating to pay plans for certain employees of the credit union division of the department of commerce.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Gronstal, Hansen, Jensen, King, Lundby, Redfern, and Redwine. Nays, none. Absent or not voting, 3: Freeman, Maddox, and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 384, and they were attached to the committee report.

## EDUCATION

**Final Bill Action:** SENATE FILE 379 (SSB 1197), a bill for an act relating to and making an appropriation for the school ready children grants account in the Iowa community empowerment fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Boettger, Rehberg, Connolly, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Angelo.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**JUDICIARY**

**Final Bill Action:** HOUSE FILE 194, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**STATE GOVERNMENT**

**Final Bill Action:** \*SENATE FILE 387 (SSB 1127), a bill for an act relating to the regulation of auctions and the licensing of auctioneers and other auction personnel and providing fees, penalties, and an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 3: Connolly, Maddox, and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 387, and they were attached to the committee report.

**WAYS AND MEANS**

**Final Bill Action:** HOUSE JOINT RESOLUTION 5, a joint resolution to nullify an administrative rule of the department of revenue and finance relating to the collection of a fee to recover direct costs in the administration of a local option sales and services tax and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**REPORT OF THE SECRETARY OF THE SENATE**

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 196, the following correction was made:

Amendment S-3128:

1. Page 1, line 5, the number "31" was changed to the number "32".

MICHAEL E. MARSHALL  
Secretary of the Senate

### AMENDMENTS FILED

S-3154	S.F.	165	Joe Bolkcom
S-3155	S.F.	349	Steve King
			John P. Kibbie
			Andy McKean
S-3156	S.F.	165	Michael E. Gronstal
S-3157	S.F.	165	Mike Connolly
S-3158	S.F.	165	Steven D. Hansen
S-3159	S.F.	165	Steven D. Hansen
S-3160	S.F.	165	Steven D. Hansen
S-3161	S.F.	165	Steven D. Hansen
S-3162	S.F.	165	Steven D. Hansen
S-3163	S.F.	165	Steven D. Hansen
S-3164	S.F.	165	Steven D. Hansen
S-3165	S.F.	165	Johnie Hammond
S-3166	S.F.	165	Johnie Hammond
S-3167	S.F.	165	Thomas Fiegen
S-3168	S.F.	165	Michael E. Gronstal
S-3169	S.F.	165	Mark Shearer
S-3170	S.F.	165	Robert E. Dvorsky
S-3171	S.F.	165	Michael E. Gronstal
			Betty A. Soukup
			Tom Flynn
			Dennis H. Black
			Mark Shearer
			Steven D. Hansen
			Eugene S. Fraise
			Patrick J. Deluhery
			Thomas Fiegen
S-3172	S.F.	165	Mike Connolly

# JOURNAL OF THE SENATE

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SIXTIETH CALENDAR DAY  
THIRTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 8, 2001

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by the Reverend Gundar Lamberts, pastor of the First Baptist Church in Harlan, Iowa, guest of Senator Boettger.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:15 a.m. until 3:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Goldenrod Manor Care Center, Clarinda — For receiving a “Best Practices” certificate from the Iowa Department of Inspections and Appeals’ Health Facilities Division. Senator Angelo (03/08/01).

Lenox Care Center, Lenox — For receiving a “Best Practices” certificate from the Iowa Department of Inspections and Appeals’ Health Facilities Division. Senator Angelo (03/08/01).

### GOVERNOR’S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Alison Doyle – Small Business Advisory Council

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** March 7, 2001, 1:10 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Angelo, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

**Members Absent:** Fraise, Ranking Member; and Bartz (both excused).

**Committee Business:** Approved SSBs 1202 and 1203.

**Adjourned:** 2:05 p.m.

#### BUSINESS AND LABOR RELATIONS

**Convened:** March 8, 2001, 1:10 p.m.

**Members Present:** Freeman, Chair; Greiner, Vice Chair; Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer.

**Members Absent:** Dearden, Ranking Member (excused).

**Committee Business:** Approved SSB 1182 (as amended) and passed SF 70 (as amended).

**Adjourned:** 1:27 p.m.

#### LOCAL GOVERNMENT

**Convened:** March 8, 2001, 10:40 a.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Gaskill, Johnson, Schuerer, and Zieman.

**Members Absent:** Horn, McCoy, and McKibben (all excused).

**Committee Business:** Approved SSBs 1147 (as amended) and 1160 (as amended). Passed SF 289 (as amended).

**Adjourned:** 11:15 a.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 8, 2001, 9:37 a.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1028 and 1161. Presentation on transfer fees and waste management.

**Adjourned:** 10:32 a.m.

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** March 8, 2001, 9:38 a.m.

**Members Present:** Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, McKinley, and Veenstra.

**Members Absent:** Lamberti (excused).

**Committee Business:** Approved Governor's appointee.

**Adjourned:** 9:44 a.m.

#### STATE GOVERNMENT

**Convened:** March 8, 2001, 10:45 a.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** Connolly (excused).

**Committee Business:** Approved SSB 1192 and passed SF 323.

**Adjourned:** 12:10 p.m.

## INTRODUCTION OF BILLS

**Senate File 390**, by committee on Human Resources, a bill for an act abolishing the licensure and regulation of birth centers.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 391**, by committee on Judiciary, a bill for an act excepting certain acts constituting a simple assault from the criminal offense of robbery.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 392**, by committee on Judiciary, a bill for an act relating to appeals filed in juvenile court proceedings.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 393**, by committee on Judiciary, a bill for an act relating to a petition to the court for a hearing on a criminal defendant's restitution plan.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 394**, by committee on Human Resources, a bill for an act relating to hospital and birth center licensure, including licensing fees, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 395**, by committee on Agriculture, a bill for an act providing for a grain infrastructure assessment study, and making an appropriation.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 396**, by Kibbie, a bill for an act concerning the governance of the Iowa public employees' retirement system and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government.**

**Senate File 397**, by Lundby, a bill for an act providing for resuscitation status orders, and providing penalties.

Read first time under Rule 28 and referred to committee on **Human Resources.**

**Senate File 398**, by McKean, a bill for an act relating to analyzing the confinement and detention needs of jails, and other local or regional confinement facilities, and obtaining approval prior to construction or expansion of such jails and facilities and providing an effective date.

Read first time under Rule 28 and referred to committee on **Judiciary.**

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 368**

HUMAN RESOURCES: Tinsman, Chair; Bartz and Dvorsky

### **Senate File 370**

HUMAN RESOURCES: Veenstra, Chair; Boettger and Shearer

### **Senate File 383**

COMMERCE: Maddox, Chair; Johnson and McCoy

### **Senate File 386**

EDUCATION: Angelo, Chair; Connolly and Veenstra

### **House File 271**

COMMERCE: Schuerer, Chair; Hansen and Jensen

**House File 310**

HUMAN RESOURCES: Miller, Chair; Bartz and Holveck

**House File 341**

HUMAN RESOURCES: Redwine, Chair; Behn and Harper

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** \*SENATE FILE 395 (SSB 1203), a bill for an act providing for a grain infrastructure assessment study, and making an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McLaren, Behn, Angelo, Black, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman. Nays, 1: Fiegen. Absent or not voting, 2: Fraise and Bartz.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 395, and they were attached to the committee report.

**HUMAN RESOURCES**

**Final Bill Action:** SENATE FILE 390 (SSB 1187), a bill for an act abolishing the licensure and regulation of birth centers.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Redwine, Tinsman, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, 1: Bartz. Absent or not voting, 2: Hammond and Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 394 (SSB 1017), a bill for an act relating to hospital and birth center licensure, including licensing fees, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Redwine, Tinsman, Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 2: Hammond and Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**JUDICIARY**

**Final Bill Action:** SENATE FILE 391 (SSB 1112), a bill for an act excepting certain acts constituting a simple assault from the criminal offense of robbery.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 392 (SSB 1166), a bill for an act relating to appeals filed in juvenile court proceedings.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 393 (formerly SF 253), a bill for an act relating to a petition to the court for a hearing on a criminal defendant's restitution plan.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AFTERNOON SESSION

The Senate reconvened at 3:40 p.m., President Kramer presiding.

### QUORUM CALL

Senator Redwine requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent, and a quorum present.

The Journal of Wednesday, March 7, 2001, was approved.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Fink, Flynn, and Dearden, until they return, on request of Senator Gronstal.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 81 and 169.

#### **Senate File 81**

On motion of Senator Angelo, **Senate File 81**, a bill for an act relating to limitations on the disbursement of economic development financial assistance moneys by state agencies, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 81), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery

Drake	Dvorsky	Fiegen	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden	Fink	Flynn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 169

On motion of Senator Maddox, **Senate File 169**, a bill for an act limiting the exemption from regulation of certain persons acting as an attorney in fact regarding certain real estate transactions, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 169), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden                      Fink                      Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 81 and 169** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 198.

### Senate File 198

On motion of Senator Tinsman, **Senate File 198**, a bill for an act relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 198), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fiegen	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern

Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 1:

Bartz

Absent or not voting, 3:

Dearden	Fink	Flynn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 278.

#### **Senate File 278**

On motion of Senator Sexton, **Senate File 278**, a bill for an act relating to the taking of fish and game by increasing fees for hunting, fishing, harvesting, and related licenses, providing for additional licenses and fees, for deer management plans, and for other properly related matters, and providing effective and applicability dates, was taken up for consideration.

Senator Miller offered amendment S-3174, filed by Senators Miller and Dearden from the floor to pages 1 and 3 of the bill.

Senator Black raised the point of order that amendment S-3174 was not germane to the bill.

The Chair ruled the point well-taken and the amendment S-3174 out of order.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3176, filed by him from the floor to page 5 of the bill.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

On the question "Shall the bill pass?" (S.F. 278), the vote was:

Ayes, 28:

Angelo	Bartz	Black	Boettger
Bolkcom	Deluhery	Drake	Dvorsky
Fiegen	Freeman	Gaskill	Gronstal
Hammond	Harper	Iverson	Jensen
Johnson	Kibbie	Kramer	Lundby
Maddox	Redfern	Redwine	Rehberg
Rittmer	Sexton	Tinsman	Veenstra

Nays, 19:

Behn	Connolly	Fraise	Greiner
Hansen	Holveck	Horn	King
Lamberti	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Schuerer
Shearer	Soukup	Zieman	

Absent or not voting, 3:

Dearden	Fink	Flynn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 252.

#### Senate File 252

On motion of Senator Rittmer, **Senate File 252**, a bill for an act concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty, was taken up for consideration.

Senator Rittmer asked and received unanimous consent that **House File 154** be **substituted** for **Senate File 252**.

### House File 154

On motion of Senator Rittmer, **House File 154**, a bill for an act concerning paid time off for certain peace officer members of the department of public safety injured in the course of duty, was taken up for consideration.

Senator Rittmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 154), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Dearden	Flynn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Rittmer asked and received unanimous consent that **Senate File 252** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 198** and **278** and **House File 154** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:50 p.m. until 1:00 p.m. Monday, March 12, 2001.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### EDUCATION

**Convened:** March 8, 2001, 1:08 p.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Passed SF 369 (as amended).

**Adjourned:** 1:15 p.m.

#### JUDICIARY

**Convened:** March 8, 2001, 2:10 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

**Members Absent:** None.

**Committee Business:** Passed SF 282 and HF 228. Approved SSBs 1050 (as amended), 1107, 1151, 1169 (as amended), and 1204.

**Adjourned:** 3:40 p.m.

### INTRODUCTION OF BILLS

**Senate File 399**, by committee on Human Resources, a bill for an act relating to the immobilization of the motor vehicle of a child support obligor for failure to pay delinquent support.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 400**, by Holveck, a bill for an act relating to telephone solicitations, by requiring certain acts and disclosures in conjunction with the use of automatic dialing-announcing device equipment, establishing certain restrictions on telephone solicitors, establishing certain requirements for contracts associated with such solicitations, establishing a list for persons not wishing to receive such

solicitations, establishing a private cause of action, making an appropriation, providing for civil penalties, and making criminal penalties applicable.

Read first time under Rule 28 and referred to committee on **Commerce.**

**Senate File 401**, by Hammond, a bill for an act providing authority to levy for additional funding in school districts with disproportionately high gifted and talented student populations, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 402**, by Connolly, a bill for an act relating to the licensure of qualified foreign professionals and providing for the assessment of fees.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 403**, by Shearer, a bill for an act relating to criminal offenses and crime victims by providing for termination of parental rights of persons who commit sexual abuse, for changes to the definition of indecent contact with a child, for changes to the statute of limitations for certain sexual abuse cases, for crime victim counselors to be present at civil proceedings, and for polygraph examinations of sexual abuse victims and witnesses.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 404**, by Holveck, a bill for an act relating to the maximum number of motor vehicles a person may sell at retail in a year without being licensed as a motor vehicle dealer.

Read first time under Rule 28 and referred to committee on **Transportation.**

**Senate File 405**, by committee on State Government, a bill for an act relating to the method of identifying precincts to be recounted for purposes of election recounts.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 406**, by committee on Local Government, a bill for an act relating to a review of revenue sources of local governments.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 407**, by committee on Natural Resources and Environment, a bill for an act relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 408**, by Lundby, a bill for an act relating to services provided by attorneys, private investigators, and detectives, including services related to the recovery of abandoned property and imposition of the sales tax on detective services.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 409**, by McLaren, a bill for an act relating to sales and use taxes by incorporating the simplified sales and use tax administration Act into Iowa law, authorizing the director of revenue and finance to negotiate with other states to simplify and modernize sales and use tax administration, and including an effective date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 410**, by committee on Natural Resources and Environment, a bill for an act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources.

Read first time under Rule 28 and **placed on calendar.**

### STUDY BILLS RECEIVED

#### **SSB 1212      Judiciary**

Relating to the limitation on income tax refund checkoffs and providing a retroactive applicability date.

#### **SSB 1213      Human Resources**

Requiring the department of human services to establish a statewide central intake unit for receiving reports of child abuse.

#### **SSB 1214      Human Resources**

Relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

#### **SSB 1215      Agriculture**

Relating to agricultural seeds and making penalties applicable.

#### **SSB 1216      Business and Labor Relations**

Relating to the employment security administrative contributions surcharge, and providing an effective date.

#### **SSB 1217      Transportation**

Relating to registration with the United States selective service system by application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card.

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 380**

EDUCATION: Redfern, Chair; Connolly and Rehberg

**Senate File 389**

WAYS AND MEANS: McKinley, Chair; Holveck and Redwine

**Senate File 397**

HUMAN RESOURCES: Schuerer, Chair; Harper and Miller

**House File 324**

TRANSPORTATION: Drake, Chair; Jensen, Kibbie, McCoy, and Rittmer

**SSB 1212**

JUDICIARY: Boettger, Chair; Hammond and Redfern

**SSB 1213**

HUMAN RESOURCES: Redwine, Chair; Boettger and Hammond

**SSB 1214**

HUMAN RESOURCES: Tinsman, Chair; Hammond and Redwine

**SSB 1215**

AGRICULTURE: Bartz, Chair; Fraise, Gaskill, Kibbie, and McLaren

**SSB 1216**

BUSINESS AND LABOR RELATIONS: Behn, Chair; Fraise, Freeman, Horn, and Schuerer

**SSB 1217**

TRANSPORTATION: Zieman, Chair; Drake and Kibbie

**COMMITTEE REPORTS**

**HUMAN RESOURCES**

**Final Bill Action:** \*SENATE FILE 399 (formerly SF 36), a bill for an act relating to the immobilization of the motor vehicle of a child support obligor for failure to pay delinquent support.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Redwine, Tinsman, Bartz, Behn, Boettger, Miller, Schuerer, and Veenstra. Nays, 2: Dvorsky and Shearer. Absent or not voting, 3: Hammond, Holveck, and Harper.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 399, and they were attached to the committee report.

#### **LOCAL GOVERNMENT**

**Final Bill Action:** SENATE FILE 289, a bill for an act relating to open burn notifications and providing a penalty.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3175.

**Final Vote:** Ayes, 8: Miller, Angelo, Hansen, Bartz, Black, Fraise, Gaskill, and Zieman. Nays, none. Absent or not voting, 5: Horn, Johnson, McCoy, McKibben, and Schuerer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 406 (SSB 1160), a bill for an act relating to a review of revenue sources of local governments.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Miller, Angelo, Hansen, Bartz, Black, Fraise, Gaskill, and Zieman. Nays, none. Absent or not voting, 5: Horn, Johnson, McCoy, McKibben, and Schuerer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 406, and they were attached to the committee report.

#### **NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** \*SENATE FILE 407 (SSB 1028), a bill for an act relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Sexton, Bartz, Fink, Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 407, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 410 (SSB 1161), a bill for an act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, 1: Deluhery. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 410, and they were attached to the committee report.

#### STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 323, a bill for an act relating to the standard for investment of retirement funds by municipal utilities.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 405 (SSB 1192), a bill for an act relating to the method of identifying precincts to be recounted for purposes of election recounts.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S-3173	S.F.	209	John P. Kibbie John W. Jensen
S-3174	S.F.	278	David Miller Dick L. Dearden
S-3175	S.F.	289	Local Government
S-3176	S.F.	278	Thomas Fiegen

# JOURNAL OF THE SENATE

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SIXTY-FOURTH CALENDAR DAY  
THIRTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 12, 2001

The Senate met in regular session at 1:14 p.m., President Pro Tempore McKean presiding.

Prayer was offered by Bishop Gregory Palmer of the United Methodist Church in Des Moines, Iowa, guest of Senator Maddox.

The Journal of Thursday, March 8, 2001, was approved.

## SPECIAL GUEST

Senator Boettger welcomed Jae Il Kim of South Korea to the Senate. Mr. Kim is the Deputy Chairman of the Public Relations Committee of the ruling Millennium Democratic Party and is here with the International Visitor Program.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:32 p.m. until 9:00 a.m. Tuesday, March 13, 2001.

**APPENDIX****COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 12, 2001

**AGENCY ICN REPORT****IOWA NATIONAL GUARD**

Report on Iowa Communications Network usage for FY 2000.

**GOVERNOR'S APPOINTEE PLACED ON  
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

**AGRICULTURE**

Thomas Kaldenberg – Iowa Grain Indemnity Fund Board

**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Harrison Farrell, Des Moines — For receiving the “Character Counts Award for Responsibility.” Senator Holveck (03/12/01).

Brendan DeVine Meyer, Decorah — For achieving the rank of Eagle Scout. Senator Zieman (03/11/01).

**PETITION**

The following petition was presented and placed on file:

From 25 residents of Cerro Gordo County, Iowa, opposing legislation to expand Iowa’s beverage container law. Senator Bartz.

## REPORTS OF COMMITTEE MEETINGS

### AGRICULTURE

**Convened:** March 12, 2001, 1:55 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann.

**Members Absent:** Black (excused).

**Committee Business:** Approved SSBs 1162 (as amended) and 1215. Passed HCR 9. Approved Governor's appointee.

**Adjourned:** 2:30 p.m.

### COMMERCE

**Convened:** March 12, 2001, 1:55 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, and Redwine.

**Members Absent:** Flynn and Redfern (both excused).

**Committee Business:** Approved SSBs 1117 (without recommendation) and 1198.

**Adjourned:** 2:20 p.m.

### EDUCATION

**Convened:** March 12, 2001, 3:43 p.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** Redfern (excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 3:45 p.m.

### HUMAN RESOURCES

**Convened:** March 12, 2001, 2:40 p.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1019 (as amended), 1213, and 1214 (as amended). Passed SCR 12. Approved Governor's appointees.

**Adjourned:** 3:30 p.m.

## TRANSPORTATION

**Convened:** March 12, 2001, 2:40 p.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, Sexton, and Zieman.

**Members Absent:** McLaren (excused).

**Committee Business:** Passed SF 291. Subcommittee assignments.

**Adjourned:** 3:00 p.m.

## INTRODUCTION OF BILLS

**Senate File 411**, by committee on Business and Labor Relations, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 412**, by committee on Education, a bill for an act relating to the compulsory attendance age and attendance at school during the regular school calendar by a child who has reached the age of sixteen.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 413**, by committee on Judiciary, a bill for an act relating to a criminal sentence subject to the maximum accumulation of earned time credits of fifteen percent of the total sentence of confinement.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 414**, by committee on Judiciary, a bill for an act relating to the crimes of burglary and forgery and providing penalties.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 415**, by committee on Judiciary, a bill for an act relating to the jurisdiction of district associate judges.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 416**, by committee on Judiciary, a bill for an act providing for municipal tort liability in connection with claims based upon gross negligence in emergency response situations.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 417**, by committee on Judiciary, a bill for an act relating to the qualifications and duties of the clerk of court.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 418**, by committee on Business and Labor Relations, a bill for an act relating to unemployment compensation by providing that social security pension payments are nondeductible from unemployment benefits and providing for coverage for employment by an Indian tribe.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 419**, by committee on Judiciary, a bill for an act providing for protection from domestic abuse for persons in an intimate relationship.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 420**, by Fink, a bill for an act concerning service credit under the Iowa public employees' retirement system for military service.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 421**, by Tinsman, a bill for an act prohibiting the disclosure and use of certain genetic information with respect to health insurance coverage and employment.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 422**, by Tinsman, a bill for an act increasing the exemption for pension and retirement income for purposes of state individual income tax and providing an applicability date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 423**, by Rehberg, a bill for an act relating to the responsibilities and duties of the department of education and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the unified library service areas, development of a biennial unified plan of service and service delivery in consultation with unified library service areas and area education agency media centers, and distribution of moneys allocated for purposes of the enrich Iowa program.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 424**, by Fiegen, a bill for an act relating to foster parent reimbursement and foster care clothing allowances.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 425**, by committee on Commerce, a bill for an act relating to standards of and participation in the title guaranty program.

Read first time under Rule 28 and **placed on calendar**.

## STUDY BILLS RECEIVED

**SSB 1218      Transportation**

Providing an exception to motor vehicle lighting requirements for drivers of police vehicles.

**SSB 1219      Judiciary**

Relating to the establishment by the Iowa department of public health of a substance abuse treatment facility for persons on probation due to the commission of a criminal offense.

**SSB 1220      Judiciary**

Relating to the retention of private attorneys by the state.

**SSB 1221      Transportation**

Relating to advertising devices placed along interstate highways.

**SSB 1222      Judiciary**

Relating to the licensing and regulation of manufactured or mobile homes and providing coordinating amendments.

**SSB 1223      Judiciary**

Creating alternative criminal sentences.

**SSB 1224      Appropriations**

Making a supplement appropriation to the state department of transportation from the primary road fund for the purchase of salt and including an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 400**

COMMERCE: Jensen, Chair; Deluhery and King

**Senate File 401**

EDUCATION: Boettger, Chair; Rehberg and Soukup

**Senate File 402**

EDUCATION: Connolly, Chair; Boettger and Redwine

**Senate File 408**

WAYS AND MEANS: Miller, Chair; Holveck and Maddox

**Senate File 409**

WAYS AND MEANS: McKibben, Chair; Harper and McKinley

**SSB 1218**

TRANSPORTATION: Zieman, Chair; Dearden and Kibbie

**SSB 1219**

JUDICIARY: Maddox, Chair; Hammond and McKean

**SSB 1220**

JUDICIARY: Lamberti, Chair; Angelo and Fraise

**SSB 1221**

TRANSPORTATION: Freeman, Chair; Fraise and Zieman

**SSB 1222**

JUDICIARY: McKean, Chair; Fraise and Tinsman

**SSB 1223**

JUDICIARY: McKean, Chair; Angelo and Horn

**SSB 1224**

APPROPRIATIONS: Jensen, Chair; McKibben and Soukup

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 9, a concurrent resolution to request that the Congress of the United States maintain its commitment to clean air and the ethanol industry, by maintaining the oxygenate requirement in the federal

Clean Air Act that promotes the use of ethanol in reformulated gasoline, and urging the United States Environmental Protection Agency to resist California's attempt to waive the oxygenate requirement in that state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, 1: Black.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## **BUSINESS AND LABOR RELATIONS**

**Final Bill Action:** \*SENATE FILE 411 (formerly SF 70), a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Freeman, Greiner, Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer. Nays, none. Absent or not voting, 1: Dearden.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Business and Labor Relations Committee on Senate File 411, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 418 (SSB 1182), a bill for an act relating to unemployment compensation by providing that social security pension payments are nondeductible from unemployment benefits and providing for coverage for employment by an Indian tribe.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Freeman, Greiner, Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer. Nays, none. Absent or not voting, 1: Dearden.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Business and Labor Relations Committee on Senate File 418, and they were attached to the committee report.

## **COMMERCE**

**Final Bill Action:** SENATE FILE 425 (SSB 1198), a bill for an act relating to standards of and participation in the title guaranty program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Johnson, Schuerer, Deluhery, Bolkcom, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, and Redwine. Nays, none. Absent or not voting, 2: Flynn and Redfern.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## EDUCATION

**Final Bill Action:** \*SENATE FILE 412 (formerly SF 369), a bill for an act relating to the compulsory attendance age and attendance at school during the regular school calendar by a child who has reached the age of sixteen.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 412, and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** SENATE FILE 413 (SSB 1204), a bill for an act relating to a criminal sentence subject to the maximum accumulation of earned time credits of fifteen percent of the total sentence of confinement.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Redfern.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 414 (SSB 1151), a bill for an act relating to the crimes of burglary and forgery and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hansen, Horn, Lamberti, McKean, Miller, and Tinsman. Nays, 1: King. Absent or not voting, 2: Redfern and Hammond.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 415 (formerly SF 282), a bill for an act relating to the jurisdiction of district associate judges.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Redfern and Hansen.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 416 (SSB 1107), a bill for an act providing for municipal tort liability in connection with claims based upon gross negligence in emergency response situations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Holveck, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, 1: Angelo. Absent or not voting, 1: Redfern.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 417 (SSB 1169), a bill for an act relating to the qualifications and duties of the clerk of court.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, 1: Hansen. Absent or not voting, 1: Redfern.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 417, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 419 (SSB 1050), a bill for an act providing for protection from domestic abuse for persons in an intimate relationship.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Redfern.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 419, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 228, a bill for an act relating to the duties of the department of public safety.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Maddox, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Redfern.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

# JOURNAL OF THE SENATE

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SIXTY-FIFTH CALENDAR DAY  
THIRTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 13, 2001

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by Father Kevin Cameron of the Catholic Pastoral Center in Des Moines, Iowa, guest of Senator Dearden.

Father Cameron introduced Mr. Jose Wilson, originally from Honduras, who provided inspirational music. He was accompanied by Representative Ed Fallon.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 7, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 267**, a bill for an act relating to state budgetary matters by providing for reductions and supplementation of appropriations made for the fiscal year beginning July 1, 2000, and transferring, crediting, and appropriating certain moneys, and providing an effective date.

ALSO: That the House has on March 12, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 279**, a bill for an act relating to allocation and payment of expenses arising from performance of duties by the Iowa utilities board and the consumer advocate, providing for a report by the Iowa utilities board, and providing an effective date.

The Journal of Monday, March 12, 2001, was approved.

President Pro Tempore McKean took the chair at 9:47 a.m.

President Kramer took the chair at 9:54 a.m.

#### ADJOURNMENT

On motion of Senator McKean, the Senate adjourned at 10:02 a.m. until 9:00 a.m. Wednesday, March 14, 2001.

## APPENDIX

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Joseph John Lueck, Dyersville — For achieving the rank of Eagle Scout. Senator Flynn (03/13/01).

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### HUMAN RESOURCES

Rebecca Burgart – Iowa Empowerment Board

Kermit Dahlen – Commission on Tobacco Use Prevention and Control

Paul Pomrehn – Commission on Tobacco Use Prevention and Control

Sharon Wellendorf – Commission on Tobacco Use Prevention and Control

#### JUDICIARY

Pamela Dettmann – Iowa Drug Policy Advisory Council

#### NATURAL RESOURCES AND ENVIRONMENT

Karen Andersen-Schank – Renewable Fuels and Coproducts Advisory Committee

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Nicholas Henderson – Small Business Advisory Council

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 8, 2001, when the votes were taken on Senate Files 81, 169, 198, and House File 154. Had I been present, I would have voted "Aye" on all. I was also necessarily absent from the Senate chamber on March 8, 2001, when the vote was taken on Senate File 278. Had I been present, I would have voted "Nay."

TOM FLYNN

## REPORTS OF COMMITTEE MEETINGS

### COMMERCE

**Convened:** March 13, 2001, 2:13 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine.

**Members Absent:** Gronstal (excused).

**Committee Business:** Passed SF 232 (as amended).

**Adjourned:** 2:25 p.m.

### HUMAN RESOURCES

**Convened:** March 13, 2001, 1:10 p.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra.

**Members Absent:** Holveck (excused).

**Committee Business:** Approved SSB 1124 (as amended) and SF 353 (as amended).

**Adjourned:** 1:40 p.m.

### JUDICIARY

**Convened:** March 13, 2001, 3:05 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

**Members Absent:** Holveck, Ranking Member (excused).

**Committee Business:** Approved SSBs 1219 and 1222. Approved Governor's appointee.

**Adjourned:** 3:55 p.m.

### LOCAL GOVERNMENT

**Convened:** March 13, 2001, 11:20 a.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Johnson, McKibben, Schuerer, and Zieman.

**Members Absent:** Gaskill, Horn, and McCoy (all excused).

**Committee Business:** Approved SSB 1209 (as amended).

**Adjourned:** 11:25 a.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 13, 2001, 10:28 a.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Approved SSB 1084 (as amended). Approved Governor's appointee.

**Adjourned:** 11:08 a.m.

## RULES AND ADMINISTRATION

**Convened:** March 13, 2001, 8:33 a.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** Gronstal, Ranking Member; Boettger, Dvorsky, and Fink (all excused).

**Committee Business:** Passed SJR 7, SCRs 13, 15, SRs 16, 17, and HCR 8.

**Adjourned:** 8:38 a.m.

## SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** March 13, 2001, 10:31 a.m.

**Members Present:** Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Greiner, Holveck, and Lamberti.

**Members Absent:** Gaskill, McKinley, and Veenstra (all excused).

**Committee Business:** Approved Governor's appointee.

**Adjourned:** 10:34 a.m.

## STATE GOVERNMENT

**Convened:** March 13, 2001, 11:21 a.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1065 (as amended) and 1100. Passed SF 105.

**Adjourned:** 12:12 p.m.

## TRANSPORTATION

**Convened:** March 13, 2001, 1:18 p.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, Sexton, and Zieman.

**Members Absent:** McCoy, Ranking Member; and McLaren (both excused).

**Committee Business:** Approved SSBs 1218 and 1180.

**Adjourned:** 1:55 p.m.

## WAYS AND MEANS

**Convened:** March 13, 2001, 12:17 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Redwine, and Rehberg.

**Members Absent:** Connolly, Maddox, and Miller (all excused).

**Committee Business:** Approved SSB 1113 and passed SFs 184, 341, and 343. Approved Governor's appointees.

**Adjourned:** 12:45 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 16**, by committee on Human Resources, a concurrent resolution requesting the Director of Public Health to review the effects of obesity, report on current state and local programs to enhance public awareness of obesity and its treatment, and make recommendations for improvements of the programs.

Read first time under Rule 28 and **placed on calendar.**

**Senate Concurrent Resolution 17**, by Bolkcom, a concurrent resolution providing for the establishment of a committee by the legislative council to conduct a study of predatory or subprime lending practices.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 19**, by Schuerer, Veenstra, Miller, Greiner, King, Zieman, Bartz, Rehberg, Drake, Behn, McKinley, Boettger, Angelo, Lamberti, and Kramer, a Senate resolution to prominently display the Ten Commandments in the Iowa Senate chamber.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 20**, by Veenstra, a Senate resolution designating May 1, 2001, as statewide Prayer Day.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 426**, by Soukup, a bill for an act relating to juror compensation.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 427**, by Holveck, Hammond, Bolkcom, and Kibbie, a bill for an act relating to the Iowa clean elections Act and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 428**, by committee on Human Resources, a bill for an act requiring the department of human services to establish a statewide central intake unit for receiving reports of child abuse.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 429**, by committee on Commerce, a bill for an act relating to price regulation for local exchange carriers, by changing certain definitions related to price regulation, permitting certain rate increases, requiring certain network infrastructure investments, and making related changes.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 430**, by committee on Human Resources, a bill for an act relating to reimbursement of retailers participating in the electronic benefits transfer program through the department of human services.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 431**, by committee on Agriculture, a bill for an act relating to agricultural seeds and making penalties applicable.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 432**, by committee on Transportation, a bill for an act relating to motor vehicle child restraint requirements and providing a penalty.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 433**, by committee on Human Resources, a bill for an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 434**, by committee on Local Government, a bill for an act requiring Iowa state university to conduct a land use policies study.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 435**, by committee on State Government, a bill for an act limiting the amount of contributions a candidate for office may accept from sources outside the candidate's election district, and providing a civil penalty.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 436**, by committee on Agriculture, a bill for an act providing for agricultural liens.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 437**, by committee on Natural Resources and Environment, a bill for an act relating to the registration and titling of all-terrain vehicles and snowmobiles, and subjecting violators to a penalty.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 438**, by Fink, a bill for an act restricting the use of certain telemarketing equipment, and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 439**, by Lundby and Bolkcom, a bill for an act to allow for increased third-party ballot access.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 440**, by Connolly, a bill for an act relating to telephone solicitations, including establishing certain restrictions on telephone solicitors, providing for registration for persons choosing not to receive certain telephone solicitations, requiring consumer notification of rights, and providing penalties and remedies.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 441**, by Lundby and Bolkcom, a bill for an act relating to the issuance or renewal of sanitary disposal project permits.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 442**, by Tinsman, a bill for an act relating to enforcement actions against assisted living programs.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 443**, by Fink, a bill for an act providing an enrollment adjustment for school districts participating in an alternative high school program offered by a community college under specified circumstances, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 444**, by Hansen, a bill for an act relating to the authorization of an instant lottery game to fund student scholarships and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 445**, by Gronstal, a bill for an act relating to energy by providing for creation of an energy commission; development of state energy policy, including increased energy efficiency; energy conservation projects for school corporations; construction of generation and transmission facilities, including joint financing and bonding provisions; reliability and adequacy of electric generation and transmission, including standards for disconnection of gas or electric service during winter months, deposits, meter reading and late charges; energy research and alternate energy production and use; and making an appropriation.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 446**, by committee on Transportation, a bill for an act providing an exception to motor vehicle lighting requirements for drivers of police vehicles.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 447**, by committee on Transportation, a bill for an act relating to the graduated driver's licensing system's requirements for full driver's licenses.

Read first time under Rule 28 and **placed on calendar**.

### STUDY BILLS RECEIVED

#### **SSB 1225      Local Government**

Relating to annexing moratorium agreements, to voluntary and involuntary annexations, and providing for the Act's applicability.

#### **SSB 1226      Agriculture**

Relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability.

#### **SSB 1227      Agriculture**

Relating to nuisance suits against animal feeding operations by providing for causes of action relating to nuisance suits.

#### **SSB 1228      Agriculture**

Relating to the regulation of infectious and contagious diseases in animals, and providing for penalties.

#### **SSB 1229      Natural Resources and Environment**

Relating to the construction of facilities or installation of practices related to open feedlot manure control, and providing an effective date.

**SSB 1230 State Government**

Requiring that persons standing for office and signing statutory petitions and nominations be registered voters.

**SSB 1231 State Government**

Relating to discrimination and preferential treatment in public employment, public education, and public contracting.

**SSB 1232 State Government**

To establish an interior design examining board, to provide for the registration of interior designers in order to use the title of registered interior designer, and to provide fees and penalties.

**SSB 1233 Natural Resources and Environment**

Relating to wastewater systems, establishing a fund, appropriating moneys from the fund, and providing an effective date.

**SSB 1234 Natural Resources and Environment**

Relating to the energy loan fund administered by the department of natural resources.

**SSB 1235 Judiciary**

Restricting the hours an adult arcade may be open for business.

**SSB 1236 Judiciary**

Limiting the liability of the department of education, school boards, school districts, area education agencies, or employees of the department, districts, or agencies.

**SSB 1237 Agriculture**

Providing for the regulation of genetically modified agricultural and vegetable seed and providing penalties and an effective date.

**SSB 1238      Local Government**

Relating to comprehensive zoning plans and prohibitions on certain annexation and development actions by counties and cities.

**SSB 1239      Commerce**

Relating to fair motor fuel marketing and providing penalties.

**SSB 1240      Judiciary**

Relating to agreements to arbitrate.

**SSB 1241      Commerce**

Relating to the regulation of securities, by defining the terms “agent” and “security”, providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements.

**SSB 1242      Business and Labor Relations**

Relating to the employment security administrative contribution surcharge, and providing an effective date.

**SSB 1243      Agriculture**

Relating to conflicts of interests by a corporation’s board of directors financing agricultural industry ventures and providing applicability and effective dates.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 359**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Black and McLaren

**Senate File 376**

STATE GOVERNMENT: Drake, Chair; Kibbie and Rittmer

**Senate File 377**

JUDICIARY: McKean, Chair; Fiagen and Miller

**Senate File 381**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Black and McLaren

**Senate File 385**

STATE GOVERNMENT: Drake, Chair; Kibbie and Rittmer

**Senate File 396**

STATE GOVERNMENT: Drake, Chair; Kibbie and Rittmer

**Senate File 398**

JUDICIARY: Maddox, Chair; Angelo and Fraise

**Senate File 421**

COMMERCE: Redwine, Chair; Flynn and King

**Senate File 423**

EDUCATION: Rehberg, Chair; Dvorsky and McKinley

**Senate File 424**

HUMAN RESOURCES: Veenstra, Chair; Bartz and Shearer

**House File 77**

STATE GOVERNMENT: McLaren, Chair; Dearden and King

**House File 403**

STATE GOVERNMENT: McKean, Chair; Connolly and King

**SSB 1225**

LOCAL GOVERNMENT: Johnson, Chair; McCoy and McKibben

**SSB 1226**

AGRICULTURE: Greiner, Chair; Fraise and Sexton

**SSB 1227**

AGRICULTURE: Sexton, Chair; Kibbie and Veenstra

**SSB 1228**

AGRICULTURE: Greiner, Chair; Behn and Shearer

**SSB 1229**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Kibbie and McLaren

**SSB 1230**

STATE GOVERNMENT: Lamberti, Chair; Drake and Fink

**SSB 1231**

STATE GOVERNMENT: King, Chair; Dearden and McLaren

**SSB 1232**

STATE GOVERNMENT: Maddox, Chair; Connolly and Rittmer

**SSB 1233**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bartz and Bolkcom

**SSB 1234**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Fink and Johnson

**SSB 1235**

JUDICIARY: King, Chair; Hansen and Miller

**SSB 1236**

JUDICIARY: Redfern, Chair; Horn and Lamberti

**SSB 1237**

AGRICULTURE: McLaren, Chair; Behn and Fiegen

**SSB 1238**

LOCAL GOVERNMENT: Miller, Chair; Hansen and McKibben

**SSB 1239**

COMMERCE: Johnson, Chair; Deluhery and Lundby

**SSB 1240**

JUDICIARY: Redfern, Chair; Fiegen and Maddox

**SSB 1241**

COMMERCE: Johnson, Chair; Deluhery and Jensen

**SSB 1242**

BUSINESS AND LABOR RELATIONS: Behn, Chair; Fraise, Freeman, Horn, and Schuerer

**SSB 1243**

AGRICULTURE: Kibbie, Chair; Fraise and McLaren

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** SENATE FILE 431 (SSB 1215), a bill for an act relating to agricultural seeds and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, 1: Black.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 436 (SSB 1162), a bill for an act providing for agricultural liens.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, 1: Black.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 436, and they were attached to the committee report.

**COMMERCE**

**Final Bill Action:** SENATE FILE 429 (SSB 1117), a bill for an act relating to price regulation for local exchange carriers, by changing certain definitions related to price regulation, permitting certain rate increases, requiring certain network infrastructure investments, and making related changes.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 9: Johnson, Schuerer, Freeman, Gronstal, Jensen, King, Lundby, Maddox, and McCoy. Nays, 4: Deluhery, Bolkcom, Hansen, and Redwine. Absent or not voting, 2: Flynn and Redfern.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## HUMAN RESOURCES

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 16 (formerly SCR 12), a concurrent resolution requesting the Director of Public Health to review the effects of obesity, report on current state and local programs to enhance public awareness of obesity and its treatment, and make recommendations for improvements of the programs.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 428 (SSB 1213), a bill for an act requiring the department of human services to establish a statewide central intake unit for receiving reports of child abuse.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 430 (SSB 1019), a bill for an act relating to reimbursement of retailers participating in the electronic benefits transfer program through the department of human services.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Redwine, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, 1: Tinsman. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 430, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 433 (SSB 1214), a bill for an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 433, and they were attached to the committee report.

#### LOCAL GOVERNMENT

**Final Bill Action:** \*SENATE FILE 434 (SSB 1209), a bill for an act requiring Iowa state university to conduct a land use policies study.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Miller, Angelo, Hansen, Bartz, Black, Fraise, Johnson, McKibben, and Zieman. Nays, none. Absent or not voting, 4: Gaskill, Horn, McCoy, and Schuerer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 434, and they were attached to the committee report.

#### NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** \*SENATE FILE 437 (SSB 1084), a bill for an act relating to the registration and titling of all-terrain vehicles and snowmobiles, and subjecting violators to a penalty.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 15: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 437, and they were attached to the committee report.

## **RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE JOINT RESOLUTION 7, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Iverson, Kramer, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 4: Gronstal, Boettger, Dvorsky, and Fink.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 13, a concurrent resolution requesting the congressional delegation of the state of Iowa support President Bush's tax relief proposal.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Iverson, Kramer, Gaskill, Johnson, McKean, and Rittmer. Nays, 1: Harper. Absent or not voting, 4: Gronstal, Boettger, Dvorsky, and Fink.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 15, a concurrent resolution declaring the month of May 2001 as Obesity Awareness Month.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Iverson, Kramer, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 4: Gronstal, Boettger, Dvorsky, and Fink.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 16, a Senate resolution designating the Grout Museum of History and Science as the official repository of artifacts related to the Sullivan Brothers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Iverson, Kramer, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 4: Gronstal, Boettger, Dvorsky, and Fink.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 17, a Senate resolution honoring Jacklyn Murray for achieving the 2001 Prudential Spirit of Community Award.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Iverson, Kramer, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 4: Gronstal, Boettger, Dvorsky, and Fink.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 8, a concurrent resolution honoring Herb Plambeck.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Iverson, Kramer, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 4: Gronstal, Boettger, Dvorsky, and Fink.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 105, a bill for an act relating to personnel information regarding the value of public employees' compensation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 435 (SSB 1100), a bill for an act limiting the amount of contributions a candidate for office may accept from sources outside the candidate's election district, and providing a civil penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: King, Lamberti, Kibbie, Bolkcom, Connolly, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, 3: Dearden, Deluhery, and Drake. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**TRANSPORTATION**

**Final Bill Action:** \*SENATE FILE 432 (formerly SF 291), a bill for an act relating to motor vehicle child restraint requirements and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rittmer, Drake, McCoy, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, Sexton, and Zieman. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 432, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 446 (SSB 1218), a bill for an act providing an exception to motor vehicle lighting requirements for drivers of police vehicles.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Rittmer, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, Sexton, and Zieman. Nays, none. Absent or not voting, 3: Drake, McCoy, and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 446, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 447 (SSB 1180), a bill for an act relating to the graduated driver's licensing system's requirements for full driver's licenses.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Rittmer, Drake, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, Sexton, and Zieman. Nays, none. Absent or not voting, 2: McCoy and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 447, and they were attached to the committee report.

**WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 341, a bill for an act making modifications to certain transportation-related fines, penalties, and salvage theft examination fees and registration fees for vehicles nine model years old or older, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: McKibben, McKinley, Harper, Bolkom, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Connolly, Maddox, and Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**REPORT OF THE SECRETARY OF THE SENATE**

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 267, the following corrections were made:

1. Page 4, line 21, insert a comma after the figure "3".
2. Page 7, line 2, insert a comma after the figure "1".

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 13th day of March, 2001:

Senate Files 267 and 279.

MICHAEL E. MARSHALL  
Secretary of the Senate

**GOVERNOR'S ITEM VETO MESSAGE**

March 13, 2001

The Honorable Mary Kramer  
President of the Senate  
State Capitol  
LOCAL

Dear President Kramer:

I hereby transmit Senate File 267, an Act relating to state budgetary matters by providing for reductions and supplementation of appropriations made for the fiscal year beginning July 1, 2000, and transferring, crediting, and appropriating certain moneys, and providing an effective date.

We have some very difficult choices ahead of us as we determine next year's state budget. Rather than create chaos with the state's budget during the last months of this fiscal year, we need to get down to the serious business of focusing on next year's budget. With revenues down, we will need to aggressively address next year's budget in a thoughtful, planned, and bipartisan manner.

Senate File 267 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Division III, Section 3 in its entirety. This provision requires a one percent reduction for most general fund appropriations. Under this Section, education and human services programs would bear the brunt of the cuts. I made it very clear to Republicans that if they chose to move forward with budget cuts, they would assume the responsibility for determining which programs and services should be eliminated. Instead of thoughtfully studying how these cuts would effect Iowans, they chose to make an across the board cut mandating a reduction in services without specifying which services to reduce or eliminate.

I am unable to approve the language contained in Division VIII, Sections 17 and 18. These provisions would reduce the state's contribution to the Judicial retirement system during the current fiscal year and future fiscal years. At this time, the judicial retirement system is not actuarially sound. Reducing the contributions to the fund, delays achievement of our long held goal of fully funding the judicial retirement system.

In my continued effort to work in a bipartisan manner, I am approving a number of cuts to the FY 01 budget. The Republican controlled legislature rejected bipartisanship by passing rash and not well thought out cuts that were not agreed to and would have unnecessarily disrupted services to Iowans.

I made it very clear to Republican legislative leaders that if they chose to move forward with budget cuts, they would need to identify which programs and services should be eliminated. Instead of thoughtfully studying how these cuts would affect Iowans, they chose a rash approach that would create chaos in the services on which Iowans rely.

The State of Iowa has experienced a serious decline in revenues, a decline that is unprecedented in twenty years. However, the current fiscal year is not the problem as the state will have adequate resources available to meet the needs of Iowans. This bill would have disrupted services to Iowans.

The decisions of the past limit our flexibility in responding to the FY 02 budget. We will be fiscally responsible and we will deal with the challenge presented to us. In this challenge, we have an opportunity to find efficient and effective ways for delivering services to Iowans.

For the above reasons, I hereby approve Senate File 267 with the exceptions noted above.

Sincerely,  
THOMAS J. VILSACK  
Governor

AMENDMENT FILED

S-3177

S.F. 224

Jeff Lamberti

# JOURNAL OF THE SENATE

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SIXTY-SIXTH CALENDAR DAY  
THIRTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 14, 2001

The Senate met in regular session at 9:02 a.m., President Kramer presiding.

Prayer was offered by the Reverend Realff Ottesen, pastor of the United Methodist Church of Shell Rock, Iowa, guest of Senator Jensen.

The Journal of Tuesday, March 13, 2001, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 13, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 451**, a bill for an act regulating the practice of accounting, establishing fees, providing penalties, and providing an effective date.

Read first time and referred to committee on **State Government**.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 13.

### Senate Concurrent Resolution 13

On motion of Senator Iverson, **Senate Concurrent Resolution 13**, a concurrent resolution requesting the congressional delegation of the state of Iowa support President Bush's tax relief proposal, with report of committee recommending passage, was taken up for consideration.

(Action on Senate Concurrent Resolution 13 was deferred.)

The Senate stood at ease at 9:08 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:48 a.m., President Kramer presiding.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 14, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 19**, a concurrent resolution requesting the congressional delegation of the state of Iowa support President Bush's tax relief proposal.

Read first time and attached to **companion Senate Concurrent Resolution 13**.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McCoy and Holveck, until they arrive, on request of Senator Bolkom.

### BUSINESS PENDING

### Senate Concurrent Resolution 13

The Senate resumed consideration of Senate Concurrent Resolution 13.

Senator Fiegen offered amendment S-3179, filed by Senator Fiegen, et al., from the floor to pages 1 and 2 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3179 be adopted?" (S.C.R. 13), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Horn	Kibbie
Shearer	Soukup		

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 2:

Holveck	McCoy
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Amendment S-3179 lost.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 19** be **substituted** for **Senate Concurrent Resolution 13**.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Rittmer and Zieman, until they return, on request of Senator Iverson.

## House Concurrent Resolution 19

On motion of Senator Iverson, **House Concurrent Resolution 19**, a concurrent resolution requesting the congressional delegation of the state of Iowa support President Bush's tax relief proposal, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 19.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (H.C.R 19), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Schuerer	Sexton	Tinsman	Veenstra

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Horn	Kibbie
Shearer	Soukup		

Absent or not voting, 4:

Holveck	McCoy	Rittmer	Zieman
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The motion prevailed and the resolution was adopted.

## WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 13** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 19** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:45 a.m. until 9:00 a.m. Thursday, March 15, 2001.

## APPENDIX

### COMPANION RESOLUTION RECEIVED

On March 14, 2001, **House Concurrent Resolution 19** was received and attached to companion **Senate Concurrent Resolution 13** on the Senate calendar.

### GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

#### WAYS AND MEANS

Michael L. Tramontina – Executive Director of the Iowa Finance Authority

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### WAYS AND MEANS

Richard Wright – Iowa Finance Authority

Courtney Kay-Decker – State Board of Tax Review

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** March 13, 2001, 5:38 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Veenstra, and Ziemann.

**Members Absent:** Black and Soukup (both excused).

**Committee Business:** Approved SSBs 1226, 1228, and 1237.

**Adjourned:** 6:15 p.m.

## **HUMAN RESOURCES**

**Convened:** March 14, 2001, 10:50 a.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra.

**Members Absent:** Holveck (excused).

**Committee Business:** Approved SSB 1205 and passed SFs 302 and 322 (as amended).

**Recessed:** 11:17 a.m.

**Reconvened:** 11:41 a.m.

**Adjourned:** 11:47 a.m.

## **LOCAL GOVERNMENT**

**Convened:** March 14, 2001, 1:10 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Gaskill, Johnson, McKibben, Schuerer, and Zieman.

**Members Absent:** Horn and McCoy (both excused).

**Committee Business:** Approved SSB 1238 (as amended) and passed SF 313.

**Adjourned:** 1:40 p.m.

## **NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** March 14, 2001, 2:18 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1233, 1234, and 1245.

**Adjourned:** 2:35 p.m.

## **TRANSPORTATION**

**Convened:** March 14, 2001, 10:55 a.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Ziemann.

**Members Absent:** McCoy, Ranking Member (excused).

**Committee Business:** Approved SSB 1221 and SFs 9 and 16. Subcommittee assignments.

**Adjourned:** 11:32 a.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 21**, by Redfern, Harper, Kramer, Iverson, and Gronstal, a Senate resolution honoring and commemorating the one hundred twenty-fifth anniversary of the University of Northern Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 22**, by Dvorsky, Horn, Hammond, Bolkcom, Shearer, Harper, and Holveck, a Senate resolution honoring Iowa's collegiate athletes, coaches, and coaching staff.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 448**, by committee on Judiciary, a bill for an act relating to the establishment by the Iowa department of public health of a substance abuse treatment facility for persons on probation due to the commission of a criminal offense.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 449**, by committee on Ways and Means, a bill for an act exempting property owned and operated by an Indian housing authority from property tax and including an effective date.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**Senate File 450**, by committee on Ways and Means, a bill for an act extending veterans benefits, preferences, and tax exemptions to certain members of reserve forces of the United States and the Iowa national guard, and providing an effective date for property tax exemption claims.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

**Senate File 451**, by Connolly, a bill for an act relating to the penalties for the criminal offenses of false reports and threats.

Read first time under Rule 28 and referred to committee on **Judiciary.**

**Senate File 452**, by committee on Commerce, a bill for an act requiring the use of a uniform prescription drug information card by providers of third-party payment or prepayment of prescription drug expenses.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 453**, by committee on Local Government, a bill for an act relating to the administrative procedures of certain county officers by authorizing the issuance of checks, providing for the cancellation of warrants and checks, the disposal of tax lists, and the receipt of electronic payments, specifying tax sale costs and the mailing address for changes of titles and deeds, providing for other properly related matters, and providing an effective date.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 454**, by committee on Agriculture, a bill for an act providing for the regulation of genetically modified agricultural and vegetable seed and providing penalties and an effective date.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 455**, by Shearer, Hammond, Harper, Horn, Flynn, Fiegen, Connolly, Kibbie, Fraise, McCoy, Soukup, Holveck, Bolckom,

Fink, Deluhery, Dvorsky, Dearden, Black, and Gronstal, a bill for an act establishing a new economy council.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism.**

#### STUDY BILLS RECEIVED

##### **SSB 1244      Business and Labor Relations**

Relating to the employment security administrative contribution surcharges, and providing an effective date.

##### **SSB 1245      Natural Resources and Environment**

Prohibiting the construction of animal feeding operation structures in certain floodplains, and making penalties applicable.

##### **SSB 1246      Judiciary**

Relating to the uniform athlete agents Act and providing penalties.

##### **SSB 1247      State Government**

Relating to the governance of the Iowa public employees' retirement system and providing an effective date.

##### **SSB 1248      Local Government**

Relating to the creation of a multimodal authority and granting the authority the power to issue bonds and notes.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 266**

TRANSPORTATION: McKinley, Chair; Jensen and McCoy

##### **Senate File 281**

JUDICIARY: Lamberti, Chair; Holveck and Miller

**Senate File 366**

TRANSPORTATION: Rittmer, Chair; Fink and Sexton

**Senate File 404**

TRANSPORTATION: Rittmer, Chair; Dearden and McLaren

**Senate File 420**

STATE GOVERNMENT: Drake, Chair; Jensen and Kibbie

**Senate File 422**

WAYS AND MEANS: Rehberg, Chair; Bolkcom and McKinley

**Senate File 427**

STATE GOVERNMENT: King, Chair; Bolkcom and McKean

**Senate File 439**

STATE GOVERNMENT: McLaren, Chair; Bolkcom and Maddox

**Senate File 444**

STATE GOVERNMENT: McKean, Chair; Deluhery and King

**SSB 1244**

BUSINESS AND LABOR RELATIONS: Behn, Chair; Fraise, Freeman, Horn, and Schuerer

**SSB 1245**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bartz and Fink

**SSB 1246**

JUDICIARY: Maddox, Chair; Hammond and Redfern

**SSB 1247**

STATE GOVERNMENT: Drake, Chair; Kibbie and Rittmer

**SSB 1248**

LOCAL GOVERNMENT: Miller, Chair; Fraise and Gaskill

## COMMITTEE REPORTS

## AGRICULTURE

**Final Bill Action:** SENATE FILE 454 (SSB 1237), a bill for an act providing for the regulation of genetically modified agricultural and vegetable seed and providing penalties and an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Veenstra, and Ziemann. Nays, none. Absent or not voting, 2: Black and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## COMMERCE

**Final Bill Action:** \*SENATE FILE 452 (formerly SF 232), a bill for an act requiring the use of a uniform prescription drug information card by providers of third-party payment or prepayment of prescription drug expenses.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Johnson, Schuerer, Deluhery, Bolckcom, Flynn, Freeman, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, 1: Gronstal.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 452, and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** SENATE FILE 448 (SSB 1219), a bill for an act relating to the establishment by the Iowa department of public health of a substance abuse treatment facility for persons on probation due to the commission of a criminal offense.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Maddox, Redfern, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Holveck.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**LOCAL GOVERNMENT**

**Final Bill Action:** SENATE FILE 313, a bill for an act relating to removal of county board of supervisor appointees.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Miller, Hansen, Bartz, Black, Gaskill, Johnson, McKibben, Schuerer, and Zieman. Nays, none. Absent or not voting, 4: Angelo, Fraise, Horn, and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 453 (SSB 1147), a bill for an act relating to the administrative procedures of certain county officers by authorizing the issuance of checks, providing for the cancellation of warrants and checks, the disposal of tax lists, and the receipt of electronic payments, specifying tax sale costs and the mailing address for changes of titles and deeds, providing for other properly related matters, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Miller, Angelo, Hansen, Bartz, Black, Fraise, Gaskill, Johnson, and Zieman. Nays, none. Absent or not voting, 4: Horn, McCoy, McKibben, and Schuerer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 453, and they were attached to the committee report.

**WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 184, a bill for an act relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3180.

**Final Vote:** Ayes, 12: McKibben, McKinley, Harper, Bolcom, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Connolly, Maddox, and Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 449 (SSB 1113), a bill for an act exempting property owned and operated by an Indian housing authority from property tax and including an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McKibben, McKinley, Harper, Bolkcom, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Connolly, Maddox, and Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 450 (formerly SF 343), a bill for an act extending veterans benefits, preferences, and tax exemptions to certain members of reserve forces of the United States and the Iowa national guard, and providing an effective date for property tax exemption claims.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McKibben, McKinley, Harper, Bolkcom, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Redwine, and Rehberg. Nays, none. Absent or not voting, 3: Connolly, Maddox, and Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 14, 2001, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 279 – Relating to allocation and payment of expenses arising from performance of duties by the Iowa utilities board and the consumer advocate, providing for a report by the Iowa utilities board, and providing an effective date.

## AMENDMENTS FILED

S-3178	S.F. 418	Patricia Harper
S-3179	S.C.R. 13	Thomas Fiegen
		Tom Flynn
		Michael E. Gronstal
		Dennis H. Black
		Betty A. Soukup
		Patricia Harper

Mark Shearer  
John P. Kibbie  
Eugene S. Fraise  
Wally E. Horn  
Patrick J. Deluhery  
Mike Connolly  
Jack Holveck  
Dick L. Dearden  
Joe Bolkom  
Robert E. Dvorsky  
Johnie Hammond  
Matt McCoy  
Steven D. Hansen  
Bill Fink  
Ways and Means  
Jeff Angelo

S-3180      S.F. 184  
S-3181      S.F. 348

# JOURNAL OF THE SENATE

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SIXTY-SEVENTH CALENDAR DAY  
FORTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 15, 2001

The Senate met in regular session at 9:19 a.m., Senator Boettger presiding.

Prayer was offered by the Reverend Roger Schlaefter, retired pastor of the Immanuel Lutheran Church in Waukee, Iowa, guest of Senator Johnson.

The Journal of Wednesday, March 14, 2001, was approved.

## SPECIAL GUESTS

Senator Kibbie introduced the Honorable Mr. John Dennehy, T.D., member of the Irish Parliament and his wife Phil from Togher, Cork. He is Vice Chairman of the Dail's Public Accounts Committee. He is a member and government Whip of the Finance and Public Services Committee and a member of the Health Committee. Mr. Mickey Conlon, along with Jennifer and Mike Scott, co-chairs of the St. Patrick's Day celebration in Emmetsburg, Iowa, accompanied the dignitaries to Des Moines.

Mr. Dennehy addressed the Senate briefly and expressed greetings from the Irish Parliament to the people of Iowa.

Senator Kibbie introduced Miss Katie Riley, Miss Shamrock 2001, and her mother, Lori Riley, from Emmetsburg, Iowa.

Senator Kibbie recognized the 2001 Irish Dancers and their chaperones seated in the balcony.

Senator Veenstra welcomed the Honorable Richard Vande Hoef, former member of the Iowa Senate, and his wife Harriet.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:14 a.m. until 1:00 p.m. Monday, March 19, 2001.

## APPENDIX

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### JUDICIARY

Ed Barnes – Iowa Drug Policy Advisory Council  
Diane Thomas – Iowa Drug Policy Advisory Council

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** March 14, 2001, 5:46 p.m.

**Members Present:** Freeman, Chair; Greiner, Vice Chair; Dearden, Ranking Member; Behn, Fraise, Hammond, King, Lundby, McKibben, and Schuerer.

**Members Absent:** Horn (excused).

**Committee Business:** Approved SSB 1244 (as amended).

**Adjourned:** 5:55 p.m.

#### EDUCATION

**Convened:** March 14, 2001, 5:45 p.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Approved SSB 1190. Passed SFs 310 (as amended), 357, and 423 (as amended).

**Adjourned:** 7:03 p.m.

#### JUDICIARY

**Convened:** March 14, 2001, 3:05 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, King, Lamberti, McKean, Miller, and Tinsman.

**Members Absent:** Holveck and Horn (both excused).

**Committee Business:** Approved SSBs 1080 (as amended), 1168 (as amended), 1184 (as amended), and 1223 (as amended). Approved Governor's appointees.

**Adjourned:** 4:40 p.m.

## STATE GOVERNMENT

**Convened:** March 14, 2001, 1:13 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1140, 1174 (as amended), and 1210 (as amended).

**Recessed:** 2:12 p.m.

**Reconvened:** 6:14 p.m.

**Adjourned:** 6:21 p.m.

## COMMERCE

**Convened:** March 15, 2001, 8:10 a.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1123 (as amended), 1239 (as amended), and 1241. Passed SF 274 (as amended).

**Adjourned:** 9:15 a.m.

## JUDICIARY

**Convened:** March 15, 2001, 1:15 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman.

**Members Absent:** Holveck, Ranking Member; and McKean (both excused).

**Committee Business:** Approved SSBs 1150, 1211, 1212 (as amended), and 1246. Passed SFs 68 (as amended) and 281.

**Adjourned:** 2:20 p.m.

#### LOCAL GOVERNMENT

**Convened:** March 15, 2001, 11:55 a.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Gaskill, Johnson, McCoy, McKibben, Schuerer, and Zieman.

**Members Absent:** Horn (excused).

**Committee Business:** Approved SSBs 1225 (as amended) and 1248 (as amended).

**Recessed:** 12:05 p.m.

**Reconvened:** 12:10 p.m.

**Adjourned:** 12:25 p.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 15, 2001, 10:45 a.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Approved SSB 1229 (as amended) and passed SF 194 (as amended).

**Recessed:** 11:47 a.m.

**Reconvened:** 1:15 p.m.

**Adjourned:** 2:17 p.m.

#### STATE GOVERNMENT

**Convened:** March 15, 2001, 12:05 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McLaren, Rittmer, and Sexton.

**Members Absent:** McKean (excused).

**Committee Business:** Approved SSBs 1195 and 1247.

**Adjourned:** 1:02 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 23**, by Veenstra, Behn, Schuerer, Johnson, Greiner, Redwine, Gaskill, Zieman, Rehberg, McKinley, and Boettger, a Senate resolution designating May 3, 2001, as statewide Prayer Day.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 456**, by committee on Agriculture, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 457**, by committee on Human Resources, a bill for an act relating to cigarettes and tobacco products, including permits for retailers of cigarettes, appropriating fees, providing penalties, and providing effective dates.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 458**, by committee on Human Resources, a bill for an act relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, and termination of parental rights.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 459**, by committee on State Government, a bill for an act providing for the protection of proprietary rights and collection of fees and revenue for software, network designs, and technology applications of the Iowa communications network.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 460**, by committee on Transportation, a bill for an act relating to a midwest interstate passenger rail compact.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 461**, by committee on Transportation, a bill for an act relating to advertising devices placed along interstate highways.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 462**, by committee on Natural Resources and Environment, a bill for an act relating to the energy loan fund administered by the department of natural resources.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 463**, by committee on State Government, a bill for an act relating to the regulation of games of skill or chance, subjecting violators to criminal and civil penalties, and appropriating certain penalties to the department of inspections and appeals.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 464**, by committee on Natural Resources and Environment, a bill for an act prohibiting the construction of animal feeding operation structures in certain floodplains, and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 465**, by committee on Transportation, a bill for an act creating a fund for the use of the state department of transportation to purchase soydiesel fuel for use in its vehicles and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 466**, by committee on Human Resources, a bill for an act relating to child care and protection public policy provisions involving children.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 467**, by committee on State Government, a bill for an act relating to licensure requirements for physician assistants.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 468**, by committee on Education, a bill for an act providing for the utilization of cash reserves by a school district for increased utility costs, and providing effective dates.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 469**, by committee on Local Government, a bill for an act relating to comprehensive zoning plans and prohibitions on certain annexation and development actions by counties and cities.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 470**, by committee on Agriculture, a bill for an act relating to the regulation of infectious and contagious diseases in animals, and providing for penalties.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 471**, by Hansen, Harper, Hammond, Dvorsky, Fink, Shearer, Connolly, Deluhery, Horn, Black, Kibbie, McCoy, Gronstal, Fraise, Bolkcom, Dearden, Soukup, Holveck, Fiegen, and Flynn, a bill for an act relating to the establishment of a student achievement and teacher quality program.

Read first time under Rule 28 and referred to committee on **Education.**

**Senate File 472**, by Jensen and Fiegen, a bill for an act relating to obtaining records and copies of records from banks, credit unions, savings and loan associations, regulated loan companies, industrial loan companies, and persons who supply consumer credit, operating in Iowa.

Read first time under Rule 28 and referred to committee on **Commerce.**

**Senate File 473**, by committee on Commerce, a bill for an act relating to the regulation of securities, by defining the terms "agent" and "security", providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 474**, by committee on Judiciary, a bill for an act requiring E911 surcharges remitted by a provider to be reported in a standard format and providing that the reported information be used only to provide E911 service.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 475**, by committee on State Government, a bill for an act relating to voting marks on ballots cast in an election or recounted after an election and the manner in which votes are to be recounted.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 476**, by committee on Education, a bill for an act relating to the establishment of a student achievement and teacher quality program.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 477**, by committee on Education, a bill for an act relating to the responsibilities and duties of the department of education and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the library service areas, development of a biennial unified plan of service and service delivery in consultation with library service areas and area education agency media centers, and distribution of moneys allocated for purposes of the enrich Iowa program.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 478**, by committee on Judiciary, a bill for an act relating to the licensing and regulation of manufactured or mobile homes, providing that actions for rent recovery and for forcible entry and detention of real property may be merged, and providing coordinating amendments.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 479**, by committee on Natural Resources and Environment, a bill for an act relating to wastewater systems, establishing a fund, appropriating moneys from the fund, and providing an effective date.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 480**, by committee on Education, a bill for an act directing the department of education to establish a task force to conduct a comprehensive review of the licensing of community college faculty.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 481**, by Kibbie and Connolly, a bill for an act providing for the imposition of an instructional support program by all school districts in the state, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Education.**

## STUDY BILLS RECEIVED

### **SSB 1249      Agriculture**

Providing for an income tax credit for making capital investments in an agricultural cooperative association organized to operate a development facility or a renewable fuel production facility, establishing fees and making an appropriation of fee proceeds, and including effective and retroactive applicability date provisions.

## **SSB 1250      Natural Resources and Environment**

Relating to separation distance requirements for animal feeding operation structures, and making penalties applicable.

### **SUBCOMMITTEE ASSIGNMENTS**

#### **Senate File 438**

COMMERCE: Johnson, Chair; Deluhery and Schuerer

#### **Senate File 440**

COMMERCE: Johnson, Chair; Deluhery and Schuerer

#### **Senate File 441**

NATURAL RESOURCES AND ENVIRONMENT: Lundby, Chair; Bolkom and Sexton

#### **Senate File 442**

HUMAN RESOURCES: Boettger, Chair; Harper and Tinsman

#### **Senate File 445**

COMMERCE: Johnson, Chair; Gronstal and Jensen

#### **SSB 1249**

AGRICULTURE: Gaskill, Chair; Bartz, Fiegen, Greiner, and Kibbie

#### **SSB 1250**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bartz and Fink

### **COMMITTEE REPORTS**

#### **AGRICULTURE**

**Final Bill Action:** SENATE FILE 456 (SSB 1226), a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Black and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 470 (SSB 1228), a bill for an act relating to the regulation of infectious and contagious diseases in animals, and providing for penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Black and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## COMMERCE

**Final Bill Action:** SENATE FILE 473 (SSB 1241), a bill for an act relating to the regulation of securities, by defining the terms "agent" and "security", providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## EDUCATION

**Final Bill Action:** SENATE FILE 468 (formerly SF 357), a bill for an act providing for the utilization of cash reserves by a school district for increased utility costs, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Boettger, Rehberg, Connolly, Angelo, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, and Veenstra. Nays, none. Absent or not voting, 2: Dvorsky and Tinsman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 476 (SSB 1190), a bill for an act relating to the establishment of a student achievement and teacher quality program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Boettger, Rehberg, Angelo, Kramer, McKinley, Redfern, Redwine, Tinsman, and Veenstra. Nays, 6: Connolly, Dvorsky, Fink, Harper, Shearer, and Soukup. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 477 (formerly SF 423), a bill for an act relating to the responsibilities and duties of the department of education and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the library service areas, development of a biennial unified plan of service and service delivery in consultation with library service areas and area education agency media centers, and distribution of moneys allocated for purposes of the enrich iowa program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 477, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 480 (formerly SF 310), a bill for an act directing the department of education to establish a task force to conduct a comprehensive review of the licensing of community college faculty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Dvorsky.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 480, and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 457 (SSB 1205), a bill for an act relating to cigarettes and tobacco products, including permits for retailers of cigarettes, appropriating fees, providing penalties, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Shearer, and Veenstra. Nays, 1: Schuerer. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 458 (SSB 1124), a bill for an act relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, and termination of parental rights.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Holveck.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 458, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 466 (formerly SF 302), a bill for an act relating to child care and protection public policy provisions involving children.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## JUDICIARY

**Final Bill Action:** \*SENATE FILE 474 (SSB 1168), a bill for an act requiring E911 surcharges remitted by a provider to be reported in a standard format and providing that the reported information be used only to provide E911 service.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Maddox, Redfern, Angelo, Boettger, Fiegen, Fraise, Hansen, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 3: Holveck, Hammond, and Horn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 474, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 478 (SSB 1222), a bill for an act relating to the licensing and regulation of manufactured or mobile homes, providing that actions for rent recovery and for forcible entry and detention of real property may be merged, and providing coordinating amendments.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Maddox, Redfern, Angelo, Boettger, Fraise, Hammond, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, 1: Fiegen. Absent or not voting, 2: Holveck and Hansen.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

#### LOCAL GOVERNMENT

**Final Bill Action:** \*SENATE FILE 469 (SSB 1238), a bill for an act relating to comprehensive zoning plans and prohibitions on certain annexation and development actions by counties and cities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Miller, Angelo, Hansen, Bartz, Black, Gaskill, Johnson, McKibben, Schuerer, and Zieman. Nays, 1: Fraise. Absent or not voting, 2: Horn and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 469, and they were attached to the committee report.

#### NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** \*SENATE FILE 462 (SSB 1234), a bill for an act relating to the energy loan fund administered by the department of natural resources.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Sexton, Bartz, Fink, Black, Bolkom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 462, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 464 (SSB 1245), a bill for an act prohibiting the construction of animal feeding operation structures in certain floodplains, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 464, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 479 (SSB 1233), a bill for an act relating to wastewater systems, establishing a fund, appropriating moneys from the fund, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 479, and they were attached to the committee report.

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 459 (SSB 1140), a bill for an act providing for the protection of proprietary rights and collection of fees and revenue for software, network designs, and technology applications of the Iowa communications network.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 463 (SSB 1065), a bill for an act relating to the regulation of games of skill or chance, subjecting violators to criminal and civil penalties, and appropriating certain penalties to the department of inspections and appeals.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolcom, Connolly, Dearden, Deluhery, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: Drake.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 463, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 467 (SSB 1174), a bill for an act relating to licensure requirements for physician assistants.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: King, Lamberti, Kibbie, Bolcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 467, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 475 (SSB 1210), a bill for an act relating to voting marks on ballots cast in an election or recounted after an election and the manner in which votes are to be recounted.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: King, Lamberti, Kibbie, Bolcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 475, and they were attached to the committee report.

## **TRANSPORTATION**

**Final Bill Action:** \*SENATE FILE 460 (formerly SF 16), a bill for an act relating to a midwest interstate passenger rail compact.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Rittmer, Drake, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, and Ziemann. Nays, 3: McKinley, McLaren, and Sexton. Absent or not voting, 1: McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 460, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 461 (SSB 1221), a bill for an act relating to advertising devices placed along interstate highways.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rittmer, Drake, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Ziemann. Nays, none. Absent or not voting, 1: McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 461, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 465 (formerly SF 9), a bill for an act creating a fund for the use of the state department of transportation to purchase soydiesel fuel for use in its vehicles and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rittmer, Drake, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Ziemann. Nays, none. Absent or not voting, 1: McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 465, and they were attached to the committee report.

AMENDMENT FILED

S-3182

S.F. 241

Robert E. Dvorsky  
Joe Bolkcom

# JOURNAL OF THE SENATE

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SEVENTY-FIRST CALENDAR DAY  
FORTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 19, 2001

The Senate met in regular session at 1:15 p.m., President Kramer presiding.

Prayer was offered by Father Ben Jensen, pastor of the Sacred Heart Church in Ruthven, Iowa, guest of Senator Kibbie.

The Journal of Thursday, March 15, 2001, was approved.

## SPECIAL GUESTS

Senator Hammond introduced Dr. Dorothee Stapelfeldt, President of Parliament of the Free and Hanseatic City of Hamburg, Germany. She is accompanied by Johnsy Middleton from the State Department.

## RECESS

On motion of Senator Iverson, the Senate recessed at 1:19 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 1:21 p.m., President Kramer presiding.

## SPECIAL GUESTS

Senator Redfern introduced the following University of Northern Iowa concert chorale members who performed the school's Alma Mater:

Dyan Baker (Conductor), Dane Barner, Nicole Birkland, Marylee Camp, Boe Hodnefield, Austin Kness, Chungwon Pack, Kathryn Wanek, and Kara Breitbach.

Senator Redfern introduced the following University of Northern Iowa attendees for the adoption of Senate Resolution 21:

CAMPUS AND BOARD OF REGENTS REPRESENTATIVES:

Robert Koob, President;  
Owen Newlin, President, Board of Regents, State of Iowa;  
Aaron Podolefsky, Provost;  
Carol Bodensteiner, Special Assistant to the President for Marketing;  
Pat Geadelmann, Special Assistant to the President for Board and Governmental Relations;  
Noreen Hermansen, Director, Alumni Relations;  
Cheryl Gaston, Assistant Vice President for Marketing and Public Relations;  
Jim O'Connor, Director, Media Relations;  
Gerald Anglum, Associate Director, University Marketing and Public Relations;  
James Kelly, Chair, University Faculty;  
Randy Hayes, Chair, Professional and Scientific Council;  
Lauren Nelson, Chair, UNI Faculty Senate; and  
Ronnie Bankston, Chair, Graduate Faculty.

UNI STUDENT REPRESENTATIVES:

Dan Sterenchuk, President, Northern Iowa Student Government;  
Mike Russell, Vice President, Northern Iowa Student Government;  
Adam Briddell, President-elect, Northern Iowa Student Government; and  
Kellie Greiner, Vice President-elect, Northern Iowa Student Government.

COMMITTEE REPORT

**RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE RESOLUTION 21, a Senate resolution honoring and commemorating the one hundred twenty-fifth anniversary of the University of Northern Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 21.

### **Senate Resolution 21**

On motion of Senator Redfern, **Senate Resolution 21**, a Senate resolution honoring and commemorating the one hundred twenty-fifth anniversary of the University of Northern Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 21, which motion prevailed by a voice vote.

University of Northern Iowa President Koob addressed the Senate with brief remarks.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gronstal, until he arrives, on request of Senator Kibbie; and Senator McKean, until he arrives, on request of Senator Iverson.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 57, 209, and 221.

### **Senate File 57**

On motion of Senator Gaskill, **Senate File 57**, a bill for an act relating to approval of city ordinances granting certain utility franchises, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gaskill offered amendment S-3112, filed by the committee on Local Government on February 27, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3112 was adopted by a voice vote.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 57), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gronstal	McKean
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## Senate File 209

On motion of Senator Kibbie, **Senate File 209**, a bill for an act providing for the control of paratuberculosis, and providing for penalties, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie asked and received unanimous consent that action on **Senate File 209** be **deferred**.

## Senate File 221

On motion of Senator Maddox, **Senate File 221**, a bill for an act establishing the interstate compact for adult criminal offender supervision and providing a contingent effective date, was taken up for consideration.

Senator Maddox asked and received unanimous consent that **House File 287** be **substituted** for **Senate File 221**.

## House File 287

On motion of Senator Maddox, **House File 287**, a bill for an act establishing the interstate compact for adult criminal offender supervision and providing a contingent effective date, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 287), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gronstal	McKean
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Maddox asked and received unanimous consent that **Senate File 221** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 241.

**Senate File 241**

On motion of Senator Dvorsky, **Senate File 241**, a bill for an act relating to the confidentiality of certain domestic abuse records, was taken up for consideration.

Senator Dvorsky offered amendment S-3182, filed by Senators Dvorsky and Bolkcom on March 15, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3182 was adopted by a voice vote.

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?" (S.F. 241), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gronstal

McKean

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Files 242, 344, and 347.

**Senate File 242**

On motion of Senator Bartz, **Senate File 242**, a bill for an act relating to the rules regarding the authentication of practitioners' verbal orders in hospitals, was taken up for consideration.

Senator Bartz asked and received unanimous consent to withdraw amendment S-3127, filed by Senators Redwine and Bartz on March 5, 2001, to page 1 of the bill.

Senator Bartz offered amendment S-3185, filed by Senators Redwine and Bartz from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3185 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 242), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Hansen	Harper	Horn

Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 3:

Dvorsky	Hammond	Holveck
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Absent or not voting, 2:

Gronstal	McKean
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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.

### Senate File 344

On motion of Senator Drake, **Senate File 344**, a bill for an act restricting the exemption in the public records law for communications made to government bodies, was taken up for consideration.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 344), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gronstal                      McKean

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 347

On motion of Senator Redfern, **Senate File 347**, a bill for an act eliminating court costs and filing and service fees for plaintiffs seeking relief from domestic abuse, was taken up for consideration.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 347), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gronstal                      McKean

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hammond, until she returns, on request of Senator Connolly; and Senator Shearer, until he returns, on request of Senator Dvorsky.

**CONSIDERATION OF BILL**  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 304.

**Senate File 304**

On motion of Senator Miller, **Senate File 304**, a bill for an act relating to the application procedure for variances for open burning, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 304), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Boettger
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Hansen	Harper	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, 7:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Holveck	

Absent or not voting, 4:

Gronstal	Hammond	McKean	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 265.

**Senate File 265**

On motion of Senator Freeman, **Senate File 265**, a bill for an act prohibiting the installation, distribution, or sale of nonoperative air bags and providing a penalty, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 265), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Gronstal	Hammond	McKean
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 57, 241, 242, 265, 304, 344, and 347** and **House File 287** be **immediately messaged** to the House.

## BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 335** be referred from the Regular Calendar to the committee on **Ways and Means** and **Senate File 395** be referred from the Regular Calendar to the committee on **Appropriations**.

## RECESS

On motion of Senator Iverson, the Senate recessed at 2:38 p.m. until the completion of a meeting of the committee on Appropriations.

## RECONVENED

The Senate reconvened at 3:09 p.m., President Kramer presiding.

The Senate stood at ease at 3:10 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:06 p.m., Senator Angelo presiding.

## QUORUM CALL

Senator Gaskill requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 19, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 125**, a bill for an act relating to membership in an interstate wildlife violators compact by the department of natural resources.

ALSO: That the House has on March 19, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Joint Resolution 11**, a joint resolution to nullify administrative rules of the department of natural resources requiring a harvest report of wild turkeys by resident and nonresident hunters, and providing an effective date.

Read first time and referred to committee on **Natural Resources and Environment**.

ALSO: That the House has on March 19, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 256**, a bill for an act relating to health care facility regulation, including information to be included in a notice of a deficiency and including the collaboration of the department of inspections and appeals and the state fire marshal in promulgating rules.

Read first time and referred to committee on **State Government**.

**House File 269**, a bill for an act relating to balloon payments on consumer loans secured by a certificate of title in a motor vehicle.

Read first time and attached to **companion Senate File 263**.

**House File 301**, a bill for an act establishing a rural fire protection program and limiting the liability of rural water districts and associations in connection with the provision of water for fire protection.

Read first time and referred to committee on **Local Government**.

**House File 309**, a bill for an act to legalize participation in an instructional support program by the West Bend-Mallard Community School District and providing an effective and retroactive applicability date.

Read first time and referred to committee on **Education**.

**House File 353**, a bill for an act relating to the amount of classroom instruction offered in an approved driver education course as programmed by the department of education.

Read first time and referred to committee on **Education**.

**House File 356**, a bill for an act relating to administrative and corrective changes to the workers' compensation law.

Read first time and referred to committee on **Business and Labor Relations**.

**House File 462**, a bill for an act relating to the reimbursement of administrative costs of an area education agency for services provided by the agency under part C of the federal Individuals With Disabilities Education Act, and providing an effective date.

Read first time and referred to committee on **Education**.

**House File 469**, a bill for an act requiring agricultural equipment suppliers to repurchase certain items upon termination of an agricultural equipment dealership agreement.

Read first time and referred to committee on **Agriculture**.

**House File 470**, a bill for an act providing for the protection of proprietary rights and collection of fees for software, network designs, and technology applications of the Iowa communications network.

Read first time and **attached to similar Senate File 459**.

**House File 481**, a bill for an act relating to the establishment of city precincts and providing an effective date.

Read first time and referred to committee on **State Government**.

**House File 581**, a bill for an act relating to the size of drainage or levee districts having election districts and requesting an interim study.

Read first time and referred to committee on **Agriculture**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren, until he returns, on request of Senator Iverson.

### UNFINISHED BUSINESS (Deferred February 27, 2001)

#### Senate File 170

The Senate resumed consideration of **Senate File 170**, a bill for an act relating to training requirements for certain child laborers and providing an effective date, deferred February 27, 2001.

Senator Hammond offered amendment S-3187, filed by her from the floor to page 1 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3187 be adopted?" (S.F. 170), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup	Tinsman		

Nays, 26:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Veenstra	Zieman		

Absent or not voting, 2:

McKean	McLaren
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Amendment S-3187 lost.

Senator Dearden asked and received unanimous consent that action on **Senate File 170** be **deferred**.

UNFINISHED BUSINESS  
(Deferred February 27, 2001)

**Senate File 168**

The Senate resumed consideration of **Senate File 168**, a bill for an act relating to the granting of additional cable television franchises by a city, deferred February 27, 2001.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 168), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Gronstal	Hansen	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	McCoy	McKibben	McKinley
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Hammond	Harper
Holveck	Horn	Kibbie	Maddox
Miller	Redfern	Shearer	Soukup
Zieman			

Absent or not voting, 2:

McKean                      McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 168** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:00 p.m. until 9:00 a.m. Tuesday, March 20, 2001.

## APPENDIX

### COMPANION BILL RECEIVED

On March 19, 2001, **House File 269** was received and attached to companion **Senate File 263** on the Senate calendar.

### SIMILAR BILL RECEIVED

On March 19, 2001, **House File 470** was received and attached to similar **Senate File 459** on the Senate calendar.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Brett Buehler, Lake View — For achieving the rank of Eagle Scout. Senator King (03/15/01).

Dora Parrot, Manchester — For celebrating your 100th birthday on April 15, 2001. Senator Rehberg (03/19/01).

Dan Rehberg, Independence Boys' Basketball Team — For receiving the WaMaC all-academic award. Senator Rehberg (03/19/01).

### PETITIONS

The following petitions were presented and placed on file:

From residents of the state of Iowa opposing legislation to expand Iowa's beverage container law. Senators Bolkcom, Dvorsky, Harper, and Horn.

From residents of Polk, Story, and Warren counties opposing legislation relating to the establishment of a student achievement and teacher quality program (SSB 1190). Senator Fink.

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** March 15, 2001, 8:10 a.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Veenstra, and Zieman.

**Members Absent:** Shearer and Soukup (both excused).

**Committee Business:** Approved SSBs 1227 (as amended), 1243, and 1249 (as amended). Passed SF 292 (as amended) and LSB 3348xc (as amended).

**Adjourned:** 9:15 a.m.

## APPROPRIATIONS

**Convened:** March 19, 2001, 2:42 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** Gaskill and Hammond (both excused).

**Committee Business:** Approved SSB 1224 (as amended).

**Adjourned:** 2:46 p.m.

## RULES AND ADMINISTRATION

**Convened:** March 19, 2001, 1:20 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and Rittmer.

**Members Absent:** Gronstal, Ranking Member; and McKean (both excused).

**Committee Business:** Passed SR 21.

**Adjourned:** 1:21 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 24**, by Dvorsky, Horn, Hammond, Bolkcom, Shearer, Harper, and Holveck, a Senate resolution honoring Iowa's collegiate athletes, coaches, and coaching staff.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 25**, by McLaren, a Senate resolution honoring the Iowa State University football team and Coach Dan McCarney.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 26**, by Redwine and Kibbie, a Senate resolution urging that attention be focused on the potential shortage of qualified nurses in the health care profession.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### INTRODUCTION OF BILLS

**Senate File 482**, by committee on Judiciary, a bill for an act relating to forcible entry and detainer actions in small claims court following a default on a contract for deed and when a defendant continues in possession after forfeiture.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 483**, by committee on Judiciary, a bill for an act relating to the uniform athlete agents Act and providing penalties.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 484**, by committee on Judiciary, a bill for an act relating to the limitation on products liability of wholesalers, retailers, distributors, and sellers of products.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 485**, by committee on Judiciary, a bill for an act relating to jurisdiction in criminal forfeiture proceedings.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 486**, by committee on Judiciary, a bill for an act relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 487**, by committee on Judiciary, a bill for an act creating alternative criminal sentences.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 488**, by committee on Judiciary, a bill for an act relating to the sale or transfer of firearms between unlicensed persons at a gun show and providing penalties.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 489**, by committee on Agriculture, a bill for an act providing for an income tax credit for making capital investments in an agricultural cooperative association organized to operate a development facility or a renewable fuel production facility, establishing fees and making an appropriation of fee proceeds, and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 490**, by committee on Commerce, a bill for an act relating to delayed deposit service transaction fees and notices.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 491**, by committee on Business and Labor Relations, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 492**, by committee on State Government, a bill for an act relating to voter registration forms, voter identification numbers, and voter registration lists.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 493**, by committee on Agriculture, a bill for an act relating to the disposition of unclaimed deer venison processed by a meat and poultry processing establishment.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 494**, by committee on Agriculture, a bill for an act relating to disputes in mediation involving agricultural operations.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 495**, by committee on Agriculture, a bill for an act relating to conflicts of interests by a corporation's board of directors financing agricultural industry ventures and providing applicability and effective dates.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 496**, by committee on Commerce, a bill for an act relating to fair motor fuel marketing and providing penalties.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 497**, by committee on State Government, a bill for an act relating to the governance of the Iowa public employees' retirement system and providing an effective date.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 498**, by committee on Judiciary, a bill for an act relating to the limitation on income tax refund checkoffs, reenacting the income tax checkoff for domestic abuse services, and providing a retroactive applicability date.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 499**, by committee on Judiciary, a bill for an act making changes to and reorganizing scheduled fines.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 500**, by committee on Commerce, a bill for an act relating to insurance, by addressing the operation and regulation of insurance companies, mutual insurance associations, the Iowa insurance guaranty association, and other insurance or risk-

assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner; by establishing jurisdiction and venue requirements for actions against the Iowa insurance guaranty association; and providing penalties, repeals, and effective dates.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 501**, by committee on Local Government, a bill for an act relating to voluntary and involuntary annexations, and providing for the Act's applicability.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 502**, by committee on Agriculture, a bill for an act relating to agricultural contracts and providing penalties.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 503**, by committee on Natural Resources and Environment, a bill for an act relating to the construction of facilities or installation of practices related to open feedlot manure control, and providing an effective date.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 504**, by committee on Local Government, a bill for an act relating to the creation of a multimodal authority and granting the authority the power to issue bonds and notes.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 505**, by committee on Human Resources, a bill for an act requiring establishment of community review committees and county child protection assistance teams.

Read first time under Rule 28 and **placed on calendar.**

**Senate File 506**, by Fiegen, a bill for an act relating to the regulation of the siting of animal feeding operations and related structures by counties.

Read first time under Rule 28 and referred to committee on **Agriculture.**

**Senate File 507**, by Connolly, a bill for an act relating to funding for the arts by providing an Iowa individual income tax checkoff for the arts, making an appropriation, and providing a retroactive applicability date.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

**Senate File 508**, by Fiegen, a bill for an act relating to the definition of homestead for purposes of the protection from claims of creditors and the homestead exemption waiver.

Read first time under Rule 28 and referred to committee on **Commerce.**

**Senate File 509**, by committee on Appropriations, a bill for an act making a supplemental appropriation to the state department of transportation from the primary road fund for the purchase of salt and including an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar.**

## SUBCOMMITTEE ASSIGNMENT

### **Senate File 472**

COMMERCE: Jensen, Chair; Gronstal and Johnson

## COMMITTEE REPORTS

### AGRICULTURE

**Final Bill Action:** \*SENATE FILE 489 (SSB 1249), a bill for an act providing for an income tax credit for making capital investments in an agricultural cooperative association organized to operate a development facility or a renewable fuel production facility, establishing fees and making an appropriation of fee proceeds, and including effective and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Behn, Fraise, Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Soukup, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Sexton and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 489, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 493 (formerly SF 292), a bill for an act relating to the disposition of unclaimed deer venison processed by a meat and poultry processing establishment.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Behn, Fraise, Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Shearer and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 493, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 494 (SSB 1227), a bill for an act relating to disputes in mediation involving agricultural operations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Behn, Fraise, Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Shearer and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 494, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 495 (SSB 1243), a bill for an act relating to conflicts of interests by a corporation's board of directors financing agricultural industry ventures and providing applicability and effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Behn, Fraise, Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Shearer and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 502 (LSB 3348xc), a bill for an act relating to agricultural contracts and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McLaren, Behn, Fraise, Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Shearer and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 502, and they were attached to the committee report.

## APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 509 (SSB 1224), a bill for an act making a supplemental appropriation to the state department of transportation from the primary road fund for the purchase of salt and including an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkom, Connolly, Deluhery, Dvorsky, Fiegen, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Gaskill and Hammond.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 509, and they were attached to the committee report.

## BUSINESS AND LABOR RELATIONS

**Final Bill Action:** \*SENATE FILE 491 (SSB 1244), a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Freeman, Greiner, Dearden, Behn, Fraise, Hammond, King, and McKibben. Nays, 2: Lundby and Schuerer. Absent or not voting, 1: Horn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Business and Labor Relations Committee on Senate File 491, and they were attached to the committee report.

## COMMERCE

**Final Bill Action:** \*SENATE FILE 490 (formerly SF 274), a bill for an act relating to delayed deposit service transaction fees and notices.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 490, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 496 (SSB 1239), a bill for an act relating to fair motor fuel marketing and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 496, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 500 (SSB 1123), a bill for an act relating to insurance, by addressing the operation and regulation of insurance companies, mutual insurance associations, the Iowa insurance guaranty association, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner; by establishing jurisdiction and venue requirements for actions against the Iowa insurance guaranty association; and providing penalties, repeals, and effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Commerce Committee on Senate File 500, and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** \*SENATE FILE 505 (formerly SF 322), a bill for an act requiring establishment of community review committees and county child protection assistance teams.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Shearer, and Veenstra. Nays, 1: Schuerer. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 505, and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** \*SENATE FILE 482 (formerly SF 68), a bill for an act relating to forcible entry and detainer actions in small claims court following a default on a contract for deed and when a defendant continues in possession after forfeiture.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Maddox, Redfern, Angelo, Boettger, Hansen, King, Lamberti, and Tinsman. Nays, 4: Fiegen, Fraise, Hammond, and Horn. Absent or not voting, 3: Holveck, McKean, and Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 482, and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 483 (SSB 1246), a bill for an act relating to the uniform athlete agents Act and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Redfern, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Holveck and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 484 (SSB 1211), a bill for an act relating to the limitation on products liability of wholesalers, retailers, distributors, and sellers of products.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Maddox, Redfern, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, and Tinsman. Nays, none. Absent or not voting, 3: Holveck, McKean, and Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 485 (formerly SF 281), a bill for an act relating to jurisdiction in criminal forfeiture proceedings.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Maddox, Angelo, Boettger, Fiegen, Fraise, Hammond, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 4: Redfern, Holveck, Hansen, and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 486 (SSB 1150), a bill for an act relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Maddox, Redfern, Angelo, Boettger, Fiegen, Fraise, Hammond, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 3: Holveck, Hansen, and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 487 (SSB 1223), a bill for an act creating alternative criminal sentences.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Maddox, Redfern, Boettger, Fiegen, Fraise, Hammond, Hansen, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 3: Holveck, Angelo, and Horn.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 487, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 488 (SSB 1184), a bill for an act relating to the sale or transfer of firearms between unlicensed persons at a gun show and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Maddox, Redfern, Fiegen, Fraise, Hammond, Hansen, McKean, and Tinsman. Nays, 3: Angelo, King, and Miller. Absent or not voting, 4: Holveck, Boettger, Horn, and Lamberti.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 488, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 498 (SSB 1212), a bill for an act relating to the limitation on income tax refund checkoffs, reenacting the income tax checkoff for domestic abuse services, and providing a retroactive applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Maddox, Redfern, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 2: Holveck and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 498, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 499 (SSB 1080), a bill for an act making changes to and reorganizing scheduled fines.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Maddox, Redfern, Angelo, Boettger, Fiegen, Fraise, Hammond, King, Lamberti, McKean, Miller, and Tinsman. Nays, 1: Hansen. Absent or not voting, 2: Holveck and Horn.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 499, and they were attached to the committee report.

#### LOCAL GOVERNMENT

**Final Bill Action:** \*SENATE FILE 501 (SSB 1225), a bill for an act relating to voluntary and involuntary annexations, and providing for the Act's applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Miller, Hansen, Bartz, Black, Fraise, Gaskill, Johnson, McCoy, McKibben, Schuerer, and Ziemann. Nays, none. Absent or not voting, 2: Angelo and Horn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 501, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 504 (SSB 1248), a bill for an act relating to the creation of a multimodal authority and granting the authority the power to issue bonds and notes.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Miller, Angelo, Hansen, Bartz, Black, Gaskill, Johnson, McCoy, McKibben, Schuerer, and Ziemann. Nays, 1: Fraise. Absent or not voting, 1: Horn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 504, and they were attached to the committee report.

#### NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** \*SENATE FILE 503 (SSB 1229), a bill for an act relating to the construction of facilities or installation of practices related to open feedlot manure control, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 503, and they were attached to the committee report.

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 492 (SSB 1195), a bill for an act relating to voter registration forms, voter identification numbers, and voter registration lists.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Drake, Jensen, Maddox, McLaren, Rittmer, and Sexton. Nays, 2: Deluhery and Fink. Absent or not voting, 1: McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 497 (SSB 1247), a bill for an act relating to the governance of the Iowa public employees' retirement system and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## PROOF OF PUBLICATION

Verified proof of publication of House File 309, in accordance with Iowa Code section 585.1, was filed with the Secretary of the Senate on March 19, 2001.

## AMENDMENTS FILED

S-3183	S.F.	259	Steve King
S-3184	S.F.	259	Steve King
S-3185	S.F.	242	John Redwine Merlin E. Bartz
S-3186	S.F.	240	Mary E. Kramer

			Nancy Boettger
			John Redwine
			Betty A. Soukup
S-3187	S.F.	170	Johnie Hammond
S-3188	S.F.	209	John P. Kibbie
			John W. Jensen

# JOURNAL OF THE SENATE

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SEVENTY-SECOND CALENDAR DAY  
FORTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 20, 2001

The Senate met in regular session at 9:00 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Steve Pike, pastor of the Christian Church in Martelle, Iowa, guest of Senator McKean.

The Journal of Monday, March 19, 2001, was approved.

President Kramer took the chair at 9:05 a.m.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Tinsman asked and received unanimous consent to take up for immediate consideration Senate Resolution 13.

### **Senate Resolution 13**

On motion of Senator Tinsman, **Senate Resolution 13**, a Senate resolution recognizing the Right Reverend C. Christopher Epting, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved the adoption of Senate Resolution 13, which motion prevailed by a voice vote.

Senator Tinsman introduced the Right Reverend C. Christopher Epting, who addressed the Senate with brief remarks.

President Pro Tempore McKean took the chair at 9:09 a.m.

**CONSIDERATION OF BILL**  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 240.

**Senate File 240**

On motion of Senator Kramer, **Senate File 240**, a bill for an act providing for a school investment partnership pilot program, was taken up for consideration.

Senator Kramer offered amendment S-3186, filed by Senator Kramer, et al., on March 19, 2001, to page 3 of the bill, and moved its adoption.

Amendment S-3186 was adopted by a voice vote.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator McLaren, until he arrives, on request of Senator Bartz.

**BUSINESS PENDING**

**Senate File 240**

The Senate resumed consideration of Senate File 240.

Senator Kramer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 240), the vote was:

Ayes, 38:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fiegen	Flynn
Freeman	Gaskill	Greiner	Gronstal
Hansen	Harper	Iverson	Jensen
Johnson	Kibbie	King	Kramer

Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, 11:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Hammond
Holveck	Horn	Shearer	

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.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 509.

#### **Senate File 509**

On motion of Senator Jensen, **Senate File 509**, a bill for an act making a supplemental appropriation to the state department of transportation from the primary road fund for the purchase of salt and including an effective date, was taken up for consideration.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 509), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn

Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 341 and 210.

#### **Senate File 341**

On motion of Senator Rittmer, **Senate File 341**, a bill for an act making modifications to certain transportation-related fines, penalties, and salvage theft examination fees and registration fees for vehicles nine model years old or older, and providing an effective date, with report of committee on Ways and Means recommending passage, was taken up for consideration.

President Kramer took the chair at 10:04 a.m.

### SPECIAL GUEST

President Kramer welcomed the Honorable William J. Reichardt, who served as a member of the Iowa House of Representatives in 1965 and as a member of the Iowa Senate from 1969–1970.

## BUSINESS PENDING

**Senate File 341**

The Senate resumed consideration of Senate File 341.

Senator McCoy asked and received unanimous consent that action on **Senate File 341** be **deferred**.

**Senate File 210**

On motion of Senator Boettger, **Senate File 210**, a bill for an act relating to the establishment of a prescription drug assistance program, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 210** be **deferred**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 259.

**Senate File 259**

On motion of Senator Maddox, **Senate File 259**, a bill for an act relating to the victim rights compensation fund, was taken up for consideration.

Senator Maddox asked and received unanimous consent that action on **Senate File 259** be **deferred**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sexton, until he returns, on request of Senator Boettger.

**CONSIDERATION OF BILL**  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 450.

**Senate File 450**

On motion of Senator Drake, **Senate File 450**, a bill for an act extending veterans benefits, preferences, and tax exemptions to certain members of reserve forces of the United States and the Iowa national guard, and providing an effective date for property tax exemption claims, was taken up for consideration.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 450), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Sexton

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 240, 450, and 509** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 393 and 411.

**Senate File 393**

On motion of Senator Angelo, **Senate File 393**, a bill for an act relating to a petition to the court for a hearing on a criminal defendant's restitution plan, was taken up for consideration.

Senator Angelo offered amendment S-3189, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3189 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 393), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### **Senate File 411**

On motion of Senator Lundby, **Senate File 411**, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights, was taken up for consideration.

Senator Hansen asked and received unanimous consent that action on **Senate File 411** be **deferred**.

UNFINISHED BUSINESS  
(Deferred March 19, 2001)

### **Senate File 209**

The Senate resumed consideration of **Senate File 209**, a bill for an act providing for the control of paratuberculosis, and providing for penalties, deferred March 19, 2001.

Senator Kibbie offered amendment S-3173, filed by Senators Kibbie and Jensen on March 8, 2001, striking everything after the enacting clause and to the title page of the bill.

Senator Kibbie offered amendment S-3188, filed by Senators Kibbie and Jensen on March 19, 2001, to pages 1 and 3 of amendment S-3173, and moved its adoption.

Amendment S-3188 was adopted by a voice vote.

Senator Kibbie moved the adoption of amendment S-3173, as amended.

Amendment S-3173 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. 209), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### SPECIAL GUESTS

Senator Boettger introduced Former Lieutenant Governor Robert T. Anderson; Vladimir Bassis, originally from the Ukraine and currently residing in Newton; and the following nine visitors from Russia: Mr. Valeriy Petrov, Mrs. Irena Starovoitova, Mrs. Irina Potemina, Mr. Roman Nazarov, Ms. Irina Grigorieva, Mr. Oleg Poliakov, Ms. Natalia Donetskaya, Ms. Irina Druzhkina, and Ms. Tatiana Sadchikova. They are visiting Iowa on an educational exchange with the Iowa Resource for International Services.

## BUSINESS PENDING

**Senate File 411**

The Senate resumed consideration of **Senate File 411**, a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights, previously deferred.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 411), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 2:

Bartz	Sexton
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Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **Senate Files 209, 393, and 411** be **immediately messaged** to the House.

## RECESS

On motion of Senator Bartz, the Senate recessed at 11:35 a.m. until 3:00 p.m.

## APPENDIX

### APPOINTMENTS FROM THE GOVERNOR

The following appointees were submitted by the Governor to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

#### TERM

ACCOUNTANCY EXAMINING BOARD (Sec. 542C.3)	
Linda Hopkins, Iowa City	05/01/2001 – 04/30/2004
Susan Loy, Cedar Falls	05/01/2001 – 04/30/2004
Wesley Stille, Storm Lake	05/01/2001 – 04/30/2004
AFRICAN-AMERICANS, COMMISSION ON THE STATUS OF (Sec. 216A.142)	
Robert Tyson, Waterloo	02/08/2001 – 04/30/2005
ALCOHOLIC BEVERAGES COMMISSION (Sec. 123.5–6)	
Gayle Collins, Des Moines	05/01/2001 – 04/30/2005
Dick Stoffer, Chariton	05/01/2001 – 04/30/2006
ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)	
Dale McKinney, Sioux City	05/01/2001 – 04/30/2004
Susan McKinney, Colo	05/01/2001 – 04/30/2004
ATHLETIC TRAINING, BOARD OF EXAMINERS FOR (Sec. 147.14(18))	
Lori Clayton, Spencer	05/01/2001 – 04/30/2004
BARBER EXAMINERS, BOARD OF (Sec. 147.14(1))	
Stuart Preston, Sioux City	05/01/2001 – 04/30/2004
BEHAVIORAL SCIENCE EXAMINERS, BOARD OF (Sec. 147.14(13))	
James Anastasi, Clear Lake	05/01/2001 – 04/30/2004
Linda Nebbe, Cedar Falls	05/01/2001 – 04/30/2004
Judith Roddy, Sioux Center	05/01/2001 – 04/30/2004
Vilia Tarvydas, Iowa City	05/01/2001 – 04/30/2005
BLIND, COMMISSION FOR THE (Sec. 216B.2)	
John Wellman, Des Moines	05/01/2001 – 04/30/2004
CHIROPRACTIC EXAMINERS, BOARD OF (Sec. 147.14(8))	
Rod Rebarcak, Ames	05/01/2001 – 04/30/2004
CIVIL RIGHTS COMMISSION, IOWA STATE (Sec. 216.3)	
Constance Gronstal, Council Bluffs	05/01/2001 – 04/30/2005
Gilberto Solivan, Mason City	05/01/2001 – 04/30/2005
Timothy Tutt, Des Moines	05/01/2001 – 04/30/2005
Maria Waterman, Pleasant Valley	05/01/2001 – 04/30/2005

COMMUNITY ACTION AGENCIES, COMMISSION ON (Sec. 216A.92A)	
William Billings, Red Oak	Immediately – 04/30/2003
Lois Eichacker, Fort Madison	05/01/2001 – 04/30/2004
Catherine Whitfield, Des Moines	05/01/2001 – 04/30/2004
CORRECTIONS, BOARD OF (Sec. 904.104)	
Suellen Overton, Council Bluffs	05/01/2001 – 04/30/2005
Donald Tietz, Algona	05/01/2001 – 04/30/2005
COSMETOLOGY ARTS AND SCIENCES EXAMINERS, BOARD OF (Sec. 147.14(14))	
Mary Myers, Carlisle	05/01/2001 – 04/30/2002
COUNTY FINANCE COMMITTEE (Sec. 333A.2)	
Gisele-Jill Marlow, Vinton	05/01/2001 – 04/30/2005
Kay Swanson, Oskaloosa	05/01/2001 – 04/30/2005
CREDIT UNIONS, SUPERINTENDENT OF (Sec. 533.55)	
James E. Forney, Polk City	05/01/2001 – Pleasure of the Governor
CREDIT UNION REVIEW BOARD (Sec. 533.53)	
Becky Hansen, DeWitt	05/01/2001 – 04/30/2004
Diane Kollasch, Spirit Lake	05/01/2001 – 04/30/2004
CRIMINAL AND JUVENILE JUSTICE PLANNING, ADMINISTRATOR OF THE DIVISION OF (Sec. 216A.2)	
Richard G. Moore, Des Moines	05/01/2001 – Pleasure of the Governor
CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL (Sec. 216A.132)	
Monica Murray, Mason City	05/01/2001 – 04/30/2002
DEAF, COMMISSION ON THE (Sec. 216A.112)	
Marvin Tuttle, Des Moines	05/01/2001 – 04/30/2004
DENTAL EXAMINERS, BOARD OF (Sec. 147.14(4))	
George North, Allison	05/01/2001 – 04/30/2004
Richard Reay, Johnston	05/01/2001 – 04/30/2004
DIETETIC EXAMINERS, BOARD OF (Sec. 147.14(11))	
Jean Anderson, Ames	05/01/2001 – 04/30/2004
DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2)	
Pamela Dettmann, Sac City	05/01/2001 – 04/30/2005
ECONOMIC DEVELOPMENT BOARD, IOWA (Sec. 15.103)	
Usha Balakrishnan, Iowa City	05/01/2001 – 04/30/2005
Terrance Duggan, Dubuque	05/01/2001 – 04/30/2005
Dimaggio Nichols, Indianola	05/01/2001 – 04/30/2005
Jack Sickler, Corning	05/01/2001 – 04/30/2005

## EDUCATIONAL EXAMINERS, BOARD OF (Sec. 272.3)

Ying Ying Chen, Swisher	05/01/2001 – 04/30/2005
Peter Hathaway, Sioux City	05/01/2001 – 04/30/2005
Hector Ibarra, Iowa City	05/01/2001 – 04/30/2005
Thomas Paulsen, Carroll	05/01/2001 – 04/30/2005
Jean Seeland, Waterloo	05/01/2001 – 04/30/2005
Anita Westerhaus, West Des Moines	05/01/2001 – 04/30/2005

## ELDER AFFAIRS, COMMISSION OF (Sec. 231.11)

Harold Davis, Sioux City	05/01/2001 – 04/30/2005
Clemmie Hightower, Clinton	05/01/2001 – 04/30/2005
Yogesh Shah, Clive	05/01/2001 – 04/30/2005

## EMERGENCY RESPONSE COMMISSION, IOWA (Sec. 30.2)

Susan Lagneaux, Urbandale	05/01/2001 – 04/30/2004
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## EMPOWERMENT BOARD, IOWA (Sec. 28.3)

Jennifer Lightbody, Sioux City	05/01/2001 – 04/30/2004
Matthew Mohrfeld, Fort Madison	05/01/2001 – 04/30/2004
Carolyn Olson-Illg, Fort Dodge	05/01/2001 – 04/30/2004
Elaine Szymoniak, Des Moines	Immediately – 04/30/2003

## ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542.3)

Diana Hoogestraat, Glenwood	05/01/2001 – 04/30/2004
Dennis Osipowicz, Fort Madison	05/01/2001 – 04/30/2004

## ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)

Lori Glanzman, Mount Pleasant	05/01/2001 – 04/30/2005
Darrell Hanson, Manchester	05/01/2001 – 04/30/2005
Kathryn Murphy, Le Mars	05/01/2001 – 04/30/2005
James Tobin, New Market	05/01/2001 – 04/30/2005
Terrance Townsend, Newton	05/01/2001 – 04/30/2005

## FOSTER CARE REVIEW BOARD, STATE CITIZEN (Sec. 237.16)

Connie Bear King, Sioux City	05/01/2001 – 04/30/2003
Larry Nuss, Cedar Falls	05/01/2001 – 04/30/2005
Lil Perry, Washington	05/01/2001 – 04/30/2005
Teresa Rohret, Spencer	05/01/2001 – 04/30/2005

## GRAIN INDEMNITY FUND BOARD, IOWA (Sec. 203D.4)

Edwin Hershberger, Kalona	05/01/2001 – 04/30/2004
Thomas Kaldenberg, Albia	05/01/2001 – 04/30/2004

## HEALTH FACILITIES COUNCIL (Sec. 135.62)

Cynthia Beauman, Spencer	05/01/2001 – 04/30/2007
Gary Butz, Norway	05/01/2001 – 04/30/2007

## HEARING AID DEALERS, BOARD OF EXAMINERS FOR THE LICENSING AND REGULATION OF (Sec. 154A.2–3)

Michael Smith, Ames	05/01/2001 – 04/30/2004
Michael Wolnerman, Des Moines	05/01/2001 – 04/30/2004

## HUMAN SERVICES, COUNCIL ON (Sec. 217.2)

Roger Hartman, Clarinda	05/01/2001 – 04/30/2007
James Miller, Dubuque	05/01/2001 – 04/30/2007

## IOWA FINANCE AUTHORITY (Sec. 16.2)

Roger Caudron, Sioux City	05/01/2001 – 04/30/2007
Nancy Evans, Cedar Rapids	05/01/2001 – 04/30/2007
Richard Wright, Des Moines	05/01/2001 – 04/30/2007

## IPERS, INVESTMENT BOARD OF THE (Sec. 97B.8)

Ann Hutchinson, Bettendorf	05/01/2001 – 04/30/2006
Bruce Kelley, Des Moines	05/01/2001 – 04/30/2007
Joanne Stockdale, Spirit Lake	03/15/2001 – 04/30/2005

## JUDICIAL NOMINATING COMMISSION, STATE (Sec. 46.1)

Constance Birmingham, Marion	05/01/2001 – 04/30/2004
Thomas Courtney, Burlington	05/01/2001 – 04/30/2007
John Taylor, Dubuque	05/01/2001 – 04/30/2007

## JUDICIAL QUALIFICATIONS, COMMISSION ON (Sec. 602.2102)

Ruth Kammeier, Des Moines	05/01/2001 – 04/30/2007
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## LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)

Jon Crose, Urbandale	05/01/2001 – 04/30/2004
Grace Nelson, Fredericksburg	05/01/2001 – 04/30/2004

## LAW ENFORCEMENT ACADEMY COUNCIL, IOWA (Sec. 80B.6)

Thomas Lillquist, Forest City	05/01/2001 – 04/30/2005
Patty Link, Des Moines	05/01/2001 – 04/30/2005

## LEWIS AND CLARK BICENTENNIAL COMMISSION, IOWA (Sec. 15.221)

Nate Parker, Macy, Nebraska	Immediately – 04/30/2003
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## MASSAGE THERAPY, BOARD OF EXAMINERS FOR (Sec. 147.14(17))

Robert Buchanan, Cedar Rapids	05/01/2001 – 04/30/2003
Jeanine Grady, Marshalltown	05/01/2001 – 04/30/2004

## MEDICAL EXAMINERS, BOARD OF (Sec. 147.14(2))

John Brinkman, Mason City	05/01/2001 – 04/30/2004
Michael Byrne, Davenport	05/01/2001 – 04/30/2004
Dale Holdiman, Sioux City	05/01/2001 – 04/30/2004

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMISSION  
(Sec. 225C.5)

Sally Alt, Audubon	05/01/2001 – 04/30/2004
Michael Bergan, Decorah	05/01/2001 – 04/30/2004
Richard Campbell, Newton	05/01/2001 – 04/30/2004
Murlean Hall, Des Moines	05/01/2001 – 04/30/2004
Marc Riveland, Marshalltown	05/01/2001 – 04/30/2003

MENTAL HEALTH RISK POOL (Sec. 426B.5(3))

Judy Clark, Clarinda	05/01/2001 – 04/30/2004
Ralph Kremer, Aurora	05/01/2001 – 04/30/2003
Sally Stutsman, Riverside	05/01/2001 – 04/30/2004

MORTUARY SCIENCE EXAMINERS, BOARD OF (Sec. 147.14(1))

Ronald Hofbauer, Donnellson	05/01/2001 – 04/30/2004
Ricard Porter, Hawarden	05/01/2001 – 04/30/2004

NATURAL RESOURCE COMMISSION (Sec. 455A.5)

Janice Marcantonio, Council Bluffs	05/01/2001 – 04/30/2007
Joan Schneider, Okoboji	05/01/2001 – 04/30/2007

NURSING EXAMINERS, BOARD OF (Sec. 147.14(3))

Linda Brady, Des Moines	05/01/2001 – 04/30/2004
Merlin Hulse, Clarence	05/01/2001 – 04/30/2004
William Miller, Harlan	05/01/2001 – 04/30/2004

NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS FOR  
(Sec. 155.2)

Claudia Boeding, Hampton	05/01/2001 – 04/30/2004
Judy Weller, Pomeroy	05/01/2001 – 04/30/2004

OPTOMETRY EXAMINERS, BOARD OF (Sec. 147.14(6))

Christopher Olson, Mount Pleasant	05/01/2001 – 04/30/2004
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PAROLE, BOARD OF (Sec. 904A.3)

Curtis Jenkins, West Des Moines	05/01/2001 – 04/30/2005
Rogers Kirk, Davenport	05/01/2001 – 04/30/2005

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPRE-  
HENSIVE (Sec. 455G.4)

James Holcomb, Johnston	05/01/2001 – 04/30/2004
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PHARMACY EXAMINERS, BOARD OF (Sec. 147.14(5))

G. Kay Bolton, West Des Moines	05/01/2001 – 04/30/2004
Michael Seifert, Des Moines	05/01/2001 – 04/30/2004

PHYSICAL AND OCCUPATIONAL THERAPY EXAMINERS, BOARD OF  
(Sec. 147.14(10))

Cheryl Stewart, Glenwood	05/01/2001 – 04/30/2004
Martin Unga, Urbandale	02/08/2001 – 04/30/2004
Kurt Walderbach, Mason City	05/01/2001 – 04/30/2004

PHYSICIAN ASSISTANT EXAMINERS, BOARD OF (Sec. 147.14(12))

James Cunningham, Audubon	05/01/2001 – 04/30/2004
Edward Friedmann, Redfield	05/01/2001 – 04/30/2004

PODIATRY EXAMINERS, BOARD OF (Sec. 147.14(1A))

Eric Jensen, Carroll	05/01/2001 – 04/30/2004
Kim Lozier, Waterloo	05/01/2001 – 04/30/2004
Matthew Wilber, Davenport	05/01/2001 – 04/30/2004

PSYCHOLOGY EXAMINERS, BOARD OF (Sec. 147.14(7))	
Daniel Courtney, Mason City	05/01/2001 – 04/30/2004
RACING AND GAMING COMMISSION, STATE (Sec. 99D.5)	
Michael Mahaffey, Montezuma	05/01/2001 – 04/30/2004 (Pleasure of Governor)
REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)	
Richard Bruce, Adel	05/01/2001 – 04/30/2004
Richard Koestner, Davenport	05/01/2001 – 04/30/2004
REAL ESTATE COMMISSION (Sec. 543B.8)	
Dorothy Woline, Mount Pleasant	05/01/2001 – 04/30/2004
REGENTS, STATE BOARD OF (Sec. 262.1–2)	
Amir Arbisser, Davenport	05/01/2001 – 04/30/2006
Mary Ellen Becker, Oskaloosa	05/01/2001 – 04/30/2007
Sue Nieland, Sioux City	05/01/2001 – 04/30/2007
RESPIRATORY CARE, STATE BOARD OF (Sec. 152B.13)	
William Motz, Sioux City	05/01/2001 – 04/30/2004
SCHOOL BUDGET REVIEW COMMITTEE (Sec. 257.30)	
Clark Yeager, Ottumwa	05/01/2001 – 04/30/2004
SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108(7h))	
Allison Deluhery, Davenport	05/01/2001 – 04/30/2005
Nicholas Henderson, West Des Moines	05/01/2001 – 04/30/2005
Douglas LaBounty, Spirit Lake	05/01/2001 – 04/30/2005
SOCIAL WORK EXAMINERS, BOARD OF (Sec. 147.14(1))	
Lance Clemsen, Coralville	05/01/2001 – 04/30/2004
Janice McCoy, Perry	05/01/2001 – 04/30/2004
Jennifer Oman, Des Moines	05/01/2001 – 04/30/2004
Joyce Westphal, Lenox	03/15/2001 – 04/30/2002
SOIL CONSERVATION COMMITTEE, STATE (Sec. 161A.4)	
Jennifer Hoy, Birmingham	05/01/2001 – 04/30/2007
Madeline Meyer, Odebolt	05/01/2001 – 04/30/2007
SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS, BOARD OF (Sec. 147.14(9))	
Laura Johnson, Des Moines	05/01/2001 – 04/30/2004
Kenneth Lowder, Iowa City	05/01/2001 – 04/30/2004
TAX REVIEW, STATE BOARD OF (Sec. 421.1)	
Courtney Kay-Decker, Davenport	05/01/2001 – 04/30/2007
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA (Sec. 8D.3(2))	
Mark Schouten, Orange City	05/01/2001 – 04/30/2007

## TITLE GUARANTY DIVISION BOARD (Sec. 16.2)

Berneil Preul, Denison	05/01/2001 – 04/30/2007
Lynn Smith, Cedar Falls	05/01/2001 – 04/30/2004

## TOBACCO USE PREVENTION AND CONTROL, COMMISSION ON (Sec. 142A.3)

David Carlyle, Ames	05/01/2001 – 04/30/2004
Sharon Wellendorf, Ida Grove	05/01/2001 – 04/30/2004

## TRANSPORTATION COMMISSION, STATE (Sec. 307.3)

Patricia Crawford, Clive	05/01/2001 – 04/30/2005
Thomas Hart, Davenport	05/01/2001 – 04/30/2005

## UTILITIES BOARD, CHAIR OF (Sec. 474.1)

Allan Thoms, West Des Moines	05/01/2001 – 04/30/2003
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## UTILITIES BOARD (Sec. 474.1)

Allan Thoms, West Des Moines	05/01/2001 – 04/30/2007
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## VISION IOWA BOARD (Sec. 15F.102)

Gregg Connell, Shenandoah	05/01/2001 – 04/30/2004
Jerry Kearns, Keokuk	05/01/2001 – 04/30/2004
LaMetta Wynn, Clinton	05/01/2001 – 04/30/2004

The appointments were referred to the committee on **Rules and Administration**.

## GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on March 15, 2001:

Pursuant to Iowa Code section 2.32(4), the appointment for the Commission on the Deaf vacancy, formerly held by Polly Adam, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Examiners for Athletic Training vacancy, formerly held by Alan Beste, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Dental Examiners vacancy, formerly held by Thomas Bjorge, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Nursing Examiners vacancy, formerly held by Robert Campbell, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Optometry Examiners vacancy, formerly held by Jane Ecklund, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Examiners for Athletic Training vacancy, formerly held by Danny Foster, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Iowa Board of Veterinary Medicine vacancy, formerly held by Donald Jacobi, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Commission on the Deaf vacancy, formerly held by Mary Negaard, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Medical Examiners vacancy, formerly held by Curtis Reynolds, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Psychology Examiners vacancy, formerly held by Connie Schmett, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Cosmetology Arts and Sciences Examiners vacancy, formerly held by Susanne Wolrab, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,  
THOMAS J. VILSACK  
Governor

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate Resolution 13, the following correction was made:

1. Page 1, line 27, the number "IV" was changed to the number "VI".

MICHAEL E. MARSHALL  
Secretary of the Senate

## INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 18**, by Connolly, a concurrent resolution honoring Brigadier General John A. Tymeson upon the occasion of his retirement.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 27**, by Lamberti, a Senate resolution honoring the Drake Women's Basketball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### INTRODUCTION OF BILLS

**Senate File 510**, by committee on Natural Resources and Environment, a bill for an act relating to redemption of empty beverage containers, creating a container redemption fund, and providing effective dates.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 511**, by Tinsman and Deluhery, a bill for an act to legalize certain ordinances and amendments considered and passed by the city of Davenport in accordance with procedures no longer valid, and providing an effective date and for retroactive applicability.

Read first time under Rule 28 and referred to committee on **Judiciary**.

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 395**

APPROPRIATIONS: Gaskill, Chair; Behn and Soukup

#### **Senate File 471**

EDUCATION: Boettger, Chair; Connolly and Rehberg

#### **Senate File 481**

EDUCATION: Boettger, Chair; Connolly and Rehberg

#### **House Joint Resolution 11**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Dearden and Miller

#### **House File 309**

EDUCATION: Veenstra, Chair; Harper and Rehberg

**House File 353**

EDUCATION: Rehberg, Chair; Soukup and Veenstra

**House File 356**

BUSINESS AND LABOR RELATIONS: McKibben, Chair; Dearden and Freeman

**House File 462**

EDUCATION: Boettger, Chair; Harper and Tinsman

**COMMITTEE REPORTS****HUMAN RESOURCES**

**Final Bill Action:** SENATE FILE 353, a bill for an act establishing covenant marriages and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3190.

**Final Vote:** Ayes, 7: Redwine, Bartz, Behn, Boettger, Miller, Schuerer, and Veenstra. Nays, 4: Tinsman, Hammond, Dvorsky, and Harper. Absent or not voting, 2: Holveck and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**NATURAL RESOURCES AND ENVIRONMENT**

**Final Bill Action:** \*SENATE FILE 510 (formerly SF 194), a bill for an act relating to redemption of empty beverage containers, creating a container redemption fund, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Sexton, Bartz, Black, Drake, Freeman, Johnson, Kibbie, and Miller. Nays, 7: Fink, Bolkcom, Dearden, Deluhery, Lundby, McLaren, and Rittmer. Absent or not voting, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 510, and they were attached to the committee report.

## AFTERNOON SESSION

The Senate reconvened at 3:05 p.m., President Kramer presiding.

## QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent, and a quorum present.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 184.

**Senate File 184**

On motion of Senator Angelo, **Senate File 184**, a bill for an act relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment, with report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator McKibben asked and received unanimous consent to withdraw amendment S-3180, filed by the committee on Ways and Means on March 14, 2001, to pages 1 and 2 of the bill.

Senator Drake offered amendment S-3153, filed by him on March 6, 2001, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-3153 was adopted by a voice vote.

The Senate stood at ease at 3:16 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:39 p.m., President Kramer presiding.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 184), the vote was:

Ayes, 38:

Angelo	Behn	Boettger	Bolkcom
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 12:

Bartz	Black	Connolly	Dearden
Flynn	Holveck	Horn	Lamberti
McCoy	Rehberg	Shearer	Soukup

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS  
(Deferred March 19, 2001)

**Senate File 170**

The Senate resumed consideration of **Senate File 170**, a bill for an act relating to training requirements for certain child laborers and providing an effective date, deferred March 19, 2001.

Senator Gronstal offered amendment S-3196, filed by him from the floor to page 1 and to the title page of the bill.

Senator Schuerer raised the point of order that amendment S-3196 was not germane to the bill.

The Chair ruled the point well-taken and the amendment S-3196 out of order.

Senator Gronstal asked and received unanimous consent that action on **Senate File 170** be **deferred**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 458.

**Senate File 458**

On motion of Senator Bartz, **Senate File 458**, a bill for an act relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, and termination of parental rights, was taken up for consideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, until he returns, on request of Senator Bartz.

BUSINESS PENDING

**Senate File 458**

The Senate resumed consideration of Senate File 458.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 458), the vote was:

Ayes, 49:

Bartz  
Bolkcom

Behn  
Connolly

Black  
Dearden

Boettger  
Deluhery

Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Angelo

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 20, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 276**, a bill for an act relating to the licensure of persons acting as insurance producers, providing an effective date, and applying penalties.

ALSO: That the House has on March 20, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 389**, a bill for an act relating to the duties of the board of directors of a school district, including those related to the suspension of a practitioner by the board of directors of a school district.

Read first time and referred to committee on **Education**.

**House File 549**, a bill for an act providing for agricultural liens.

Read first time and attached to **similar Senate File 436**.

**House File 564**, a bill for an act providing for the reversion of dividends and distributions by certain cooperative associations.

Read first time and referred to committee on **Agriculture**.

**House File 569**, a bill for an act relating to the proposed uniform computer information transactions Act.

Read first time and referred to committee on **Commerce**.

**House File 610**, a bill for an act relating to cluster groups under the new jobs and income program.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 612**, a bill for an act relating to highway improvement assistance from the revitalize Iowa's sound economy fund for brownfield sites.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 623**, a bill for an act relating to the imposition of a fine for criminal offenses classified as aggravated misdemeanors, or class "D" or class "C" felonies.

Read first time and referred to committee on **Judiciary**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 384.

## Senate File 384

On motion of Senator Lundby, **Senate File 384**, a bill for an act relating to pay plans for certain employees of the credit union division of the department of commerce, was taken up for consideration.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 384), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 184, 384, and 458** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:10 p.m. until 9:00 a.m. Wednesday, March 21, 2001.

**APPENDIX****BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of March, 2001:

Senate File 125.

MICHAEL E. MARSHALL  
Secretary of the Senate

**REPORTS OF COMMITTEE MEETINGS****NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** March 20, 2001, 1:05 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Public hearing and confirmation of Governor's appointee.

**Adjourned:** 2:10 p.m.

**WAYS AND MEANS**

**Convened:** March 20, 2001, 2:16 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** None.

**Committee Business:** Passed SF 91.

**Adjourned:** 2:25 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 28**, by McLaren, a Senate resolution honoring the Iowa State Cyclones Men's Basketball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILL

**Senate File 512**, by committee on Ways and Means, a bill for an act relating to state sales and use taxes on admittance fees for city or county swimming pools, providing limited refunds, and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

## STUDY BILL RECEIVED

**SSB 1251 Appropriations**

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 335**

WAYS AND MEANS: Greiner, Chair; Flynn and Rehberg

**Senate File 507**

WAYS AND MEANS: Rehberg, Chair; Drake and Holveck

**House File 301**

LOCAL GOVERNMENT: Angelo, Chair; McCoy and Zieman

**SSB 1251**

APPROPRIATIONS: Tinsman, Chair; Dvorsky and Veenstra

**COMMITTEE REPORT****WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 512 (formerly SF 91), a bill for an act relating to state sales and use taxes on admittance fees for city or county swimming pools, providing limited refunds, and including effective and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**SIMILAR BILL RECEIVED**

On March 20, 2001, **House File 549** was received and attached to similar **Senate File 436** on the Senate calendar.

**PROOF OF PUBLICATION**  
(Senate File 511)

Published copy of Senate File 511 and verified proof of publication of said bill in The Quad-City Times, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, on March 2, 2001, was filed with the Secretary of the Senate on March 20, 2001, in accordance with Iowa Code section 585.1.

**AMENDMENTS FILED**

S-3189	S.F. 393	Jeff Angelo
S-3190	S.F. 353	Human Resources
S-3191	S.F. 342	Steven D. Hansen
S-3192	S.F. 342	Steven D. Hansen
S-3193	S.F. 342	Steven D. Hansen
S-3194	S.F. 342	Steven D. Hansen
S-3195	S.F. 225	Michael E. Gronstal
S-3196	S.F. 170	Michael E. Gronstal
S-3197	S.F. 342	Robert E. Dvorsky

S-3198	S.F.	170	Dick L. Dearden
S-3199	S.F.	259	Steve King
S-3200	S.F.	84	Sandra Greiner
S-3201	S.F.	341	Matt McCoy JoAnn Johnson Steven D. Hansen Maggie Tinsman Mike Sexton
S-3202	S.F.	432	Eugene S. Fraise Robert E. Dvorsky
S-3203	S.F.	342	Bill Fink
S-3204	S.F.	499	Eugene S. Fraise Robert E. Dvorsky
S-3205	S.F.	337	Donald B. Redfern
S-3206	S.F.	468	Mike Connolly

# JOURNAL OF THE SENATE

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SEVENTY-THIRD CALENDAR DAY  
FORTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 21, 2001

The Senate met in regular session at 9:00 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Damon Hall, pastor of the Grace Baptist Church in Waverly, Iowa, guest of Senator Jensen.

The Journal of Tuesday, March 20, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bartz, Boettger, King, Kramer, and McKinley, until they arrive, on request of Senator Iverson; and Senators Connolly and McCoy, until they arrive, on request of Senator Gronstal.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Joint Resolution 7.

### **Senate Joint Resolution 7**

On motion of Senator Iverson, **Senate Joint Resolution 7**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

**Senate Joint Resolution 7**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

WHEREAS, the State of Iowa has the honor of being the home of the World Food Prize Foundation which annually presents an international award recognizing outstanding individual achievement in improving the quality, quantity, or availability of food in the world; and

WHEREAS, Iowa's unique State Capitol is an optimal location for this awards ceremony of the World Food Prize Foundation and was the location of the ceremony in October 2000; and

WHEREAS, wine is customarily served as an accompaniment to the food and entertainment provided at this type of awards ceremony and wine was served at this ceremony in October 2000; and

WHEREAS, under 401 IAC 1.6(6), which prohibits the consumption of alcoholic beverages on the capitol complex, it is not possible to serve wine at this type of awards ceremony in the State Capitol; NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Notwithstanding 401 IAC 1.6(6) and any contrary provisions of chapter 123, prohibiting the use and consumption of alcoholic beverages in public places, wine may be used and consumed within the State Capitol at an awards ceremony, to be held on or around October 18, 2001, hosted and organized in whole or in part by the World Food Prize Foundation if the person providing the food and wine at the awards ceremony possesses an appropriate valid liquor control license. For the purpose of this section and section 123.95, the State Capitol is a private place.

On the question "Shall the resolution be adopted?" (S.J.R. 7), the vote was:

Ayes, 40:

Angelo	Behn	Bolkcom	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman

Gaskill	Greiner	Gronstal	Hansen
Harper	Horn	Iverson	Jensen
Johnson	Kibbie	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 3:

Black	Hammond	Holveck
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Absent or not voting, 7:

Bartz	Boettger	Connolly	King
Kramer	McCoy	McKinley	

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator Rittmer.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 337 and 428.

#### **Senate File 337**

On motion of Senator Redfern, **Senate File 337**, a bill for an act relating to transfers of structured settlement payment rights for tort and workers' compensation claims, providing civil remedies, and an applicability date, was taken up for consideration.

Senator Redfern offered amendment S-3205, filed by him on March 20, 2001, to pages 5 and 7 of the bill, and moved its adoption.

Amendment S-3205 was adopted by a voice vote.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 337), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Bolkcom	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Johnson
Kibbie	King	Lamberti	Lundby
Maddox	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Boettger	Connolly	Jensen	Kramer
McCoy	McKinley		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## Senate File 428

On motion of Senator Redwine, **Senate File 428**, a bill for an act requiring the department of human services to establish a statewide central intake unit for receiving reports of child abuse, was taken up for consideration.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 428), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden

Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Jensen                      McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Boettger, Kramer, and McKinley, until they return, on request of Senator Bartz; and Senator Connolly, until he returns, on request of Senator Kibbie.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Joint Resolution 6.

#### **Senate Joint Resolution 6**

On motion of Senator Sexton, **Senate Joint Resolution 6**, a joint resolution nullifying an amendment to an administrative rule of the department of natural resources eliminating the unprotected nongame status of reptiles and providing an effective date, was taken up for consideration.

Senator Sexton moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

**Senate Joint Resolution 6**, a joint resolution nullifying an amendment to an administrative rule of the department of natural resources eliminating the unprotected nongame status of reptiles and providing an effective date.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The amendment to 571 Iowa administrative code, rule 76.1, subrule 2, as appearing in ARC 0099B, as published in the Iowa administrative bulletin, volume XXIII, number 5, dated September 6, 2000, p. 478, is nullified.

Sec. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" (S.J.R 6), the vote was:

Ayes, 34:

Angelo	Bartz	Behn	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Harper	Iverson	Jensen	Johnson
Kibbie	King	Lamberti	Maddox
McKean	McKibben	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, 12:

Black	Bolkcom	Dearden	Dvorsky
Gronstal	Hammond	Hansen	Holveck
Horn	Lundby	McCoy	Shearer

Absent or not voting, 4:

Boettger	Connolly	Kramer	McKinley
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The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators King and Iverson, until they return, on request of Senator Redwine.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Bartz asked and received unanimous consent to take up for consideration Senate Files 372 and 354.

**Senate File 372**

On motion of Senator Hansen, **Senate File 372**, a bill for an act relating to the powers and duties of the county recorder relating to the recording and keeping of documents, was taken up for consideration.

Senator Hansen 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. 372), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Bolkcom	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Jensen	Johnson
Kibbie	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Boettger	Connolly	Iverson	King
Kramer	McKinley		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Holveck, until he returns, on request of Senator Soukup.

**Senate File 354**

On motion of Senator Redfern, **Senate File 354**, a bill for an act relating to limitations on filing medical assistance claims against a decedent's estate, was taken up for consideration.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 354), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Bolkcom	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Horn	Jensen	Johnson	Kibbie
King	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Boettger	Connolly	Holveck	Iverson
Kramer	McKinley		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 336 and 415.

**Senate File 336**

On motion of Senator Redwine, **Senate File 336**, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners, was taken up for consideration.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 336), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Connolly	Drake	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 21:

Black	Bolkcom	Dearden	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	Rittmer	Shearer
Soukup			

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## Senate File 415

On motion of Senator Lamberti, **Senate File 415**, a bill for an act relating to the jurisdiction of district associate judges, was taken up for consideration.

President Kramer took the chair at 10:10 a.m.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 415), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 387, 406, and 412.

## Senate File 387

On motion of Senator Sexton, **Senate File 387**, a bill for an act relating to the regulation of auctions and the licensing of auctioneers and other auction personnel and providing fees, penalties, and an appropriation, was taken up for consideration.

Senator Deluhery offered amendment S-3209, filed by Senators Deluhery and Sexton from the floor to page 2 of the bill, and moved its adoption.

Amendment S-3209 was adopted by a voice vote.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 387), the vote was:

Ayes, 45:

Bartz	Black	Boettger	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 5:

Angelo	Behn	McKinley	McLaren
Rittmer			

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal, until he returns, on request of Senator Hansen.

**Senate File 406**

On motion of Senator Miller, **Senate File 406**, a bill for an act relating to a review of revenue sources of local governments, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 406), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Connolly

Absent or not voting, 1:

Gronstal

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## Senate File 412

On motion of Senator Fink, **Senate File 412**, a bill for an act relating to the compulsory attendance age and attendance at school during the regular school calendar by a child who has reached the age of sixteen, was taken up for consideration.

Senator Fink moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 412), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Gronstal

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Joint Resolutions 6 and 7** and **Senate Files 337, 354, 372, 387, 406, 412, 415, and 428** be **immediately messaged** to the House.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schuerer, until he returns, on request of Senator Lundby.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 413.

**Senate File 413**

On motion of Senator McKean, **Senate File 413**, a bill for an act relating to a criminal sentence subject to the maximum accumulation of earned time credits of fifteen percent of the total sentence of confinement, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 413), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 1:

McCoy

Absent or not voting, 2:

Gronstal

Schuerer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

**CONSIDERATION OF BILL**  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 140.

**Senate File 140**

On motion of Senator Deluhery, **Senate File 140**, a bill for an act updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, lowering the threshold amount for making estimated payments for corporations and financial institutions, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date, was taken up for consideration.

Senator Deluhery moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 140), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Gronstal

Schuerer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 140** and **413** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 11:20 a.m. until 1:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:05 p.m., President Pro Tempore McKean presiding.

### QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 29 present, 21 absent, and a quorum present.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 7.

### **Senate Concurrent Resolution 7**

On motion of Senator Angelo, **Senate Concurrent Resolution 7**, a concurrent resolution requesting that the United States Congress adopt daylight saving time as the national standard of keeping time

throughout the year, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Concurrent Resolution 7, which motion prevailed by a voice vote.

### RECESS

On motion of Senator Iverson, the Senate recessed at 1:13 p.m. until the completion of a meeting of the committee on Rules and Administration.

### RECONVENED

The Senate reconvened at 1:28 p.m., President Kramer presiding.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Shearer, until he returns, on request of Senator Hammond; and Senator Jensen, until he returns, on request of Senator McKean.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 350 and 414.

#### **Senate File 350**

On motion of Senator Sexton, **Senate File 350**, a bill for an act making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport, was taken up for consideration.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 350), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Jensen	McCoy	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 414

On motion of Senator McKean, **Senate File 414**, a bill for an act relating to the crimes of burglary and forgery and providing penalties, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 414), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Johnson	Kibbie	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer

Schuerer  
Veenstra

Sexton  
Zieman

Soukup

Tinsman

Nays, 2:

King

McCoy

Absent or not voting, 2:

Jensen

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

**CONSIDERATION OF BILL**  
(Regular Calendar)

Senator McKean asked and received unanimous consent to take up for consideration Senate File 349.

**Senate File 349**

On motion of Senator McKean, **Senate File 349**, a bill for an act relating to information concerning contested case proceedings of the ethics and campaign disclosure board, was taken up for consideration.

Senator McKean offered amendment S-3155, filed by Senators King, Kibbie, and McKean on March 7, 2001, to page 3 and to the title page of the bill.

Senator King offered amendment S-3217, filed by him from the floor to page 1 of amendment S-3155, and moved its adoption.

Amendment S-3217 was adopted by a voice vote.

Senator McKean moved the adoption of amendment S-3155, as amended.

Amendment S-3155 was adopted by a voice vote.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 349), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 7** and **Senate Files 349, 350, and 414** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 419 and 394.

### Senate File 419

On motion of Senator Tinsman, **Senate File 419**, a bill for an act providing for protection from domestic abuse for persons in an intimate relationship, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 419), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 394

On motion of Senator Miller, **Senate File 394**, a bill for an act relating to hospital and birth center licensure, including licensing fees, and providing an effective date, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 394), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden

Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 394** and **419** be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 351.

#### **Senate File 351**

On motion of Senator Maddox, **Senate File 351**, a bill for an act relating to the criminal offenses of enticing a minor away and sexual exploitation of a minor and providing a penalty, was taken up for consideration.

Senator Maddox offered amendment S-3214, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S-3214 was adopted by a voice vote.

Senator Maddox asked and received unanimous consent that **House File 327** be **substituted** for **Senate File 351**.

### House File 327

On motion of Senator Maddox, **House File 327**, a bill for an act relating to the criminal offenses of enticing a minor away and sexual exploitation of a minor and providing a penalty, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 327), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Maddox asked and received unanimous consent that **Senate File 351** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 374.

**Senate File 374**

On motion of Senator Jensen, **Senate File 374**, a bill for an act relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry, was taken up for consideration.

Senator Redwine offered amendment S-3211, filed by Senators Redwine and Dvorsky from the floor striking everything after the enacting clause of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S-3211 and **Senate File 374** be **deferred**.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 225 and 392.

**Senate File 225**

On motion of Senator McKean, **Senate File 225**, a bill for an act relating to an indigent criminal defendant seeking postconviction relief and to the applicability of the Iowa administrative procedures Act to postconviction actions, was taken up for consideration.

Senator Gronstal offered amendment S-3195, filed by him on March 20, 2001, to page 1 of the bill.

Senator Gronstal withdrew amendment S-3195.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 225), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 392

On motion of Senator Maddox, **Senate File 392**, a bill for an act relating to appeals filed in juvenile court proceedings, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 392), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie

King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **Senate Files 225 and 392** and **House File 327** be **immediately messaged** to the House.

The Senate stood at ease at 3:05 p.m. until the fall of the gavel.

The Senate resumed session at 3:06 p.m., President Kramer presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator King, until he returns, on request of Senator Bartz.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Bartz asked and received unanimous consent to take up for consideration Senate File 453.

### Senate File 453

On motion of Senator Black, **Senate File 453**, a bill for an act relating to the administrative procedures of certain county officers by authorizing the issuance of checks, providing for the cancellation of

warrants and checks, the disposal of tax lists, and the receipt of electronic payments, specifying tax sale costs and the mailing address for changes of titles and deeds, providing for other properly related matters, and providing an effective date, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 453), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

King	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **Senate File 453** be **immediately messaged** to the House.

## BUSINESS PENDING

**Senate File 374**

The Senate resumed consideration of **Senate File 374**, a bill for an act relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry, and amendment S-3211, previously deferred.

Senator Redwine moved the adoption of amendment S-3211.

A nonrecord roll call was requested.

The ayes were 8, nays 28.

Amendment S-3211 lost.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 374), the vote was:

Ayes, 41:

Angelo	Bartz	Behn	Black
Connolly	Deluhery	Drake	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hansen
Horn	Iverson	Jensen	Johnson
Kibbie	King	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 9:

Boettger	Bolkcom	Dearden	Dvorsky
Hammond	Harper	Holveck	Kramer
Redwine			

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 374** be **immediately messaged** to the House.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 16.

### **Senate Resolution 16**

On motion of Senator Redfern, **Senate Resolution 16**, a Senate resolution designating the Grout Museum of History and Science as the official repository of artifacts related to the Sullivan Brothers, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 16, which motion prevailed by a voice vote.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 21, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 225**, a bill for an act providing for the reorganization of districts for the election of Iowa state fair board directors, and providing for an election.

Read first time and referred to committee on **State Government**.

**House File 458**, a bill for an act extending the statute of limitations period for filing a criminal charge of incest.

Read first time and referred to committee on **Judiciary**.

**House File 502**, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability.

Read first time and **attached to companion Senate File 456**.

**House File 587**, a bill for an act providing magistrates who are not licensed to practice law in Iowa with the authority to review applications for involuntary hospitalization and applications for involuntary commitment or treatment of chronic substance abusers and making conforming changes.

Read first time and referred to committee on **Judiciary**.

**House File 628**, a bill for an act relating to the regulation of grain dealers by providing an exception for limited liability companies that produce renewable fuel.

Read first time and referred to committee on **Agriculture**.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:32 p.m. until 9:00 a.m. Thursday, March 22, 2001.

## **APPENDIX**

### **REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 21, 2001:

#### **AGRICULTURE**

Edwin Hershberger – Iowa Grain Indemnity Fund Board  
Thomas Kaldenberg – Iowa Grain Indemnity Fund Board

Jennifer Hoy – State Soil Conservation Committee  
Madeline Meyer – State Soil Conservation Committee

#### **COMMERCE**

Becky Hansen – Credit Union Review Board  
Diane Kollasch – Credit Union Review Board

James E. Forney – Superintendent of Credit Unions

Mark Schouten – Iowa Telecommunications and Technology Commission

Berneil Preul – Title Guaranty Division Board  
Lynn Smith – Title Guaranty Division Board

Allan Thoms – Chair of Utilities Board  
Allan Thoms – Utilities Board

#### **EDUCATION**

Ying Ying Chen – Board of Educational Examiners  
Peter Hathaway – Board of Educational Examiners  
Hector Ibarra – Board of Educational Examiners  
Thomas Paulsen – Board of Educational Examiners  
Jean Seeland – Board of Educational Examiners  
Anita Westerhaus – Board of Educational Examiners

Amir Arbisser – State Board of Regents  
Mary Ellen Becker – State Board of Regents  
Sue Nieland – State Board of Regents

Clark Yeager – School Budget Review Committee

**HUMAN RESOURCES**

Lori Clayton – Board of Examiners for Athletic Training

James Anastasi – Board of Behavioral Science Examiners

Linda Nebbe – Board of Behavioral Science Examiners

Judith Roddy – Board of Behavioral Science Examiners

Vilia Tarvydas – Board of Behavioral Science Examiners

John Wellman – Commission for the Blind

William Billings – Commission on Community Action Agencies

Lois Eichacker – Commission on Community Action Agencies

Catherine Whitfield – Commission on Community Action Agencies

Marvin Tuttle – Commission on the Deaf

Harold Davis – Commission of Elder Affairs

Clemmie Hightower – Commission of Elder Affairs

Yogesh Shah – Commission of Elder Affairs

Jennifer Lightbody – Iowa Empowerment Board

Matthew Mohrfeld – Iowa Empowerment Board

Carolyn Olson-Illg – Iowa Empowerment Board

Elaine Szymoniak – Iowa Empowerment Board

Connie Bear King – State Citizen Foster Care Review Board

Larry Nuss – State Citizen Foster Care Review Board

Lil Perry – State Citizen Foster Care Review Board

Teresa Rohret – State Citizen Foster Care Review Board

Cynthia Beauman – Health Facilities Council

Gary Butz – Health Facilities Council

Roger Hartman – Council on Human Services

James Miller – Council on Human Services

Sally Alt – Mental Health and Developmental Disabilities Commission

Michael Bergan – Mental Health and Developmental Disabilities Commission

Richard Campbell – Mental Health and Developmental Disabilities Commission

Murlean Hall – Mental Health and Developmental Disabilities Commission

Marc Riveland – Mental Health and Developmental Disabilities Commission

James Cunningham – Board of Physician Assistant Examiners

Edward Friedmann – Board of Physician Assistant Examiners

David Carlyle – Commission on Tobacco Use Prevention and Control

Sharon Wellendorf – Commission on Tobacco Use Prevention and Control

**JUDICIARY**

Constance Gronstal – Iowa State Civil Rights Commission  
Gilberto Solivan – Iowa State Civil Rights Commission  
Timothy Tutt – Iowa State Civil Rights Commission  
Maria Waterman – Iowa State Civil Rights Commission

Suellen Overton – Board of Corrections  
Donald Tietz – Board of Corrections

Monica Murray – Criminal and Juvenile Justice Planning Advisory Council

Richard G. Moore – Administrator of the Division of Criminal and Juvenile Justice Planning

Pamela Dettmann – Iowa Drug Policy Advisory Council

Constance Birmingham – State Judicial Nominating Commission  
Thomas Courtney – State Judicial Nominating Commission  
John Taylor – State Judicial Nominating Commission

Ruth Kammeier – Commission on Judicial Qualifications

Curtis Jenkins – Board of Parole  
Rogers Kirk – Board of Parole

**LOCAL GOVERNMENT**

Gisele-Jill Marlow – County Finance Committee  
Kay Swanson – County Finance Committee

Nate Parker – Iowa Lewis and Clark Bicentennial Commission

Judy Clark – Mental Health Risk Pool Board  
Ralph Kremer – Mental Health Risk Pool Board  
Sally Stutsman – Mental Health Risk Pool Board

**NATURAL RESOURCES AND ENVIRONMENT**

Lori Glanzman – Environmental Protection Commission  
Darrell Hanson – Environmental Protection Commission  
Kathryn Murphy – Environmental Protection Commission  
James Tobin – Environmental Protection Commission  
Terrance Townsend – Environmental Protection Commission

Janice Marcantonio – Natural Resource Commission  
Joan Schneider – Natural Resource Commission

James Holcomb – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Usha Balakrishnan – Iowa Economic Development Board  
 Terrance Duggan – Iowa Economic Development Board  
 Dimaggio Nichols – Iowa Economic Development Board  
 Jack Sickler – Iowa Economic Development Board

Allison Deluhery – Small Business Advisory Council  
 Nicholas Henderson – Small Business Advisory Council  
 Douglas LaBounty – Small Business Advisory Council

### STATE GOVERNMENT

Linda Hopkins – Accountancy Examining Board  
 Susan Loy – Accountancy Examining Board  
 Wesley Stille – Accountancy Examining Board

Robert Tyson – Commission on the Status of African-Americans

Gayle Collins – Alcoholic Beverages Commission  
 Dick Stoffer – Alcoholic Beverages Commission

Dale McKinney – Architectural Examining Board  
 Susan McKinney – Architectural Examining Board

Stuart Preston – Board of Barber Examiners

Rod Rebarcak – Board of Chiropractic Examiners

Mary Myers – Board of Cosmetology Arts and Sciences Examiners

George North – Board of Dental Examiners  
 Richard Reay – Board of Dental Examiners

Jean Anderson – Board of Dietetic Examiners

Susan Lagneaux – Iowa Emergency Response Commission

Diana Hoogestraat – Engineering and Land Surveying Examining Board  
 Dennis Osipowicz – Engineering and Land Surveying Examining Board

Michael Smith – Board for the Licensing and Regulation of Hearing Aid Dealers  
 Michael Wolnerman – Board for the Licensing and Regulation of Hearing Aid Dealers

Ann Hutchinson – Investment Board of the IPERS  
 Bruce Kelley – Investment Board of the IPERS  
 Joanne Stockdale – Investment Board of the IPERS

Jon Crose – Landscape Architectural Examining Board  
 Grace Nelson – Landscape Architectural Examining Board

Robert Buchanan – Board of Massage Therapy Examiners  
Jeanine Grady – Board of Massage Therapy Examiners

John Brinkman – Board of Medical Examiners  
Michael Byrne – Board of Medical Examiners  
Dale Holdiman – Board of Medical Examiners

Ronald Hofbauer – Board of Mortuary Science Examiners  
Ricard Porter – Board of Mortuary Science Examiners

Linda Brady – Board of Nursing Examiners  
Merlin Hulse – Board of Nursing Examiners  
William Miller – Board of Nursing Examiners

Claudia Boeding – State Board of Examiners for Nursing Home Administrators  
Judy Weller – State Board of Examiners for Nursing Home Administrators

Christopher Olson – Board of Optometry Examiners

G. Kay Bolton – Board of Pharmacy Examiners  
Michael Seifert – Board of Pharmacy Examiners

Cheryl Stewart – Board of Physical and Occupational Therapy Examiners  
Martin Unga – Board of Physical and Occupational Therapy Examiners  
Kurt Walderbach – Board of Physical and Occupational Therapy Examiners

Eric Jensen – Board of Podiatry Examiners  
Kim Lozier – Board of Podiatry Examiners  
Matthew Wilber – Board of Podiatry Examiners

Daniel Courtney – Board of Psychology Examiners

Michael Mahaffey – State Racing and Gaming Commission

Richard Bruce – Real Estate Appraiser Examining Board  
Richard Koestner – Real Estate Appraiser Examining Board

Dorothy Woline – Real Estate Commission

William Motz – State Board for Respiratory Care

Lance Clemens – Board of Social Work Examiners  
Janice McCoy – Board of Social Work Examiners  
Jennifer Oman – Board of Social Work Examiners  
Joyce Westphal – Board of Social Work Examiners

Laura Johnson – Board of Speech Pathology and Audiology Examiners  
Kenneth Lowder – Board of Speech Pathology and Audiology Examiners

Gregg Connell – Vision Iowa Board  
Jerry Kearns – Vision Iowa Board  
LaMetta Wynn – Vision Iowa Board

**TRANSPORTATION**

Thomas Lillquist – Iowa Law Enforcement Academy Council  
Patty Link – Iowa Law Enforcement Academy Council

Patricia Crawford – State Transportation Commission  
Thomas Hart – State Transportation Commission

**WAYS AND MEANS**

Roger Caudron – Iowa Finance Authority  
Nancy Evans – Iowa Finance Authority  
Richard Wright – Iowa Finance Authority

Courtney Kay-Decker – State Board of Tax Review

**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 21, 2001

**CAPITOL PLANNING COMMISSION**

2000 Annual Report to the General Assembly — March 2001.

**CERTIFICATE OF RECOGNITION**

The Secretary of the Senate issued the following certificate of recognition:

Coach Bert Hanson and the Indianola High School Indians — For winning the Class 4A State Basketball Championships. Senator Fink (03/21/01).

**PRESENTATION OF VISITORS**

The Chair welcomed the following visitors who were present in the Senate gallery:

Six seventh and eighth grade students from Southeast Junior High School in Iowa City, accompanied by their teacher, Sue Dvorsky. Senators Bolcom and Dvorsky.

**COMPANION BILL RECEIVED**

On March 21, 2001, **House File 502** was received and attached to companion **Senate File 456** on the Senate calendar.

**REPORT OF COMMITTEE MEETING****TRANSPORTATION**

**Convened:** March 21, 2001, 11:35 a.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Ziemann.

**Members Absent:** McCoy, Ranking Member (excused).

**Committee Business:** Passed HF 324 (as amended).

**Adjourned:** 12:02 p.m.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 506**

AGRICULTURE: McLaren, Chair; Behn and Fiegen

**Senate File 508**

COMMERCE: Johnson, Chair; Hansen and Jensen

**Senate File 511**

JUDICIARY: Tinsman, Chair; Fiegen and Redfern

**House File 370**

JUDICIARY: Maddox, Chair; Angelo and Hansen

**House File 389**

EDUCATION: Tinsman, Chair; Dvorsky and McKinley

**House File 469**

AGRICULTURE: Veenstra, Chair; Gaskill and Soukup

**House File 569**

COMMERCE: Schuerer, Chair; Deluhery and King

**House File 581**

AGRICULTURE: McLaren, Chair; Fraise and Zieman

**House File 610**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: McKinley, Chair; Fiegen and Greiner

**House File 612**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Gaskill, Chair; Behn and Shearer

**House File 623**

JUDICIARY: McKean, Chair; Angelo and Fraise

**COMMITTEE REPORT****TRANSPORTATION**

**Final Bill Action:** HOUSE FILE 324, a bill for an act relating to transportation, including provisions on road projects, vehicle sales, movement, and reports, and mailing of notices, and providing a penalty and an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3221.

**Final Vote:** Ayes, 11: Rittmer, Drake, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Zieman. Nays, 1: Dearden. Absent or not voting, 1: McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**MOTIONS TO RECONSIDER FILED**

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 336 passed the Senate on March 21, 2001.

MICHAEL CONNOLLY

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 336 passed the Senate on March 21, 2001.

JOHN REDWINE

## AMENDMENTS FILED

S-3207	S.F.	447	JoAnn Johnson
S-3208	S.F.	170	Michael E. Gronstal
S-3209	S.F.	387	Patrick J. Deluhery Mike Sexton
S-3210	S.F.	353	Steven D. Hansen
S-3211	S.F.	374	John Redwine Robert E. Dvorsky
S-3212	S.F.	375	Mike Sexton John P. Kibbie Joe Bolkcom Andy McKean
S-3213	S.F.	375	Sheldon Rittmer John P. Kibbie Andy McKean Joe Bolkcom Mike Sexton
S-3214	S.F.	351	O. Gene Maddox
S-3215	S.F.	323	Richard F. Drake
S-3216	S.F.	499	O. Gene Maddox
S-3217	S.F.	349	Steve King
S-3218	S.F.	452	JoAnn Johnson
S-3219	S.F.	452	JoAnn Johnson
S-3220	S.F.	452	JoAnn Johnson
S-3221	H.F.	324	Transportation
S-3222	S.F.	425	John W. Jensen
S-3223	S.F.	336	Mike Connolly

# JOURNAL OF THE SENATE

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SEVENTY-FOURTH CALENDAR DAY  
FORTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 22, 2001

The Senate met in regular session at 9:00 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend David Schafer, pastor of St. John's Lutheran Church in Waukon, Iowa, guest of Senator Zieman.

The Journal of Wednesday, March 21, 2001, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:17 a.m. until 1:30 p.m.

**APPENDIX****BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on March 22, 2001, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 125 – Relating to membership in an interstate wildlife violators compact by the department of natural resources.

**GOVERNOR'S APPOINTEES PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar without recommendation for confirmation:

**LOCAL GOVERNMENT**

LaVon Griffieon – City Development Board

**NATURAL RESOURCES AND ENVIRONMENT**

Lisa Davis Cook – Environmental Protection Commission

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**EDUCATION**

Anita Walker Jessen – Director of the Department of Cultural Affairs

Veronica Stalker – Board of Educational Examiners

**LOCAL GOVERNMENT**

James Halverson – City Development Board

## REPORTS OF COMMITTEE MEETINGS

**BUSINESS AND LABOR RELATIONS**

**Convened:** March 21, 2001, 5:00 p.m.

**Members Present:** Freeman, Chair; Greiner, Vice Chair; Behn, Fraise, Horn, King, McKibben, and Schuerer.

**Members Absent:** Dearden, Ranking Member; Hammond, and Lundby (all excused).

**Committee Business:** Passed HF 356.

**Adjourned:** 5:10 p.m.

**EDUCATION**

**Convened:** March 21, 2001, 5:03 p.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** None.

**Committee Business:** Passed HFs 309 and 462. Approved Governor's appointees.

**Adjourned:** 5:15 p.m.

**RULES AND ADMINISTRATION**

**Convened:** March 21, 2001, 1:15 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** None.

**Committee Business:** Subcommittee assignments for Governor's appointees.

**Adjourned:** 1:20 p.m.

**JUDICIARY**

**Convened:** March 22, 2001, 11:05 a.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

**Members Absent:** Boettger (excused).

**Committee Business:** Passed SF 511. Subcommittee assignments. Approved Governor's appointees.

**Adjourned:** 11:20 a.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 22, 2001, 9:38 a.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed HJR 11. Approved Governor's appointee and subcommittee assignments.

**Adjourned:** 9:58 a.m.

## STATE GOVERNMENT

**Convened:** March 22, 2001, 10:10 a.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** None.

**Committee Business:** Approved Governor's appointees.

**Adjourned:** 10:41 a.m.

## INTRODUCTION OF BILL

**Senate File 513**, by Hansen, a bill for an act providing a property tax exemption for conservation buffer strips, and providing an appropriation.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

## SUBCOMMITTEE ASSIGNMENTS

### Senate File 443

EDUCATION: Rehberg, Chair; Fink and Redwine

**House File 225**

STATE GOVERNMENT: Jensen, Chair; Dearden and McLaren

**House File 256**

STATE GOVERNMENT: McKean, Chair; Kibbie and King

**House File 451**

STATE GOVERNMENT: Lamberti, Chair; Connolly and King

**House File 481**

STATE GOVERNMENT: Maddox, Chair; Dearden and King

**House File 564**

AGRICULTURE: Zieman, Chair; Fiegen and McLaren

**COMMITTEE REPORT****BUSINESS AND LABOR RELATIONS**

**Final Bill Action:** HOUSE FILE 356, a bill for an act relating to administrative and corrective changes to the workers' compensation law.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Freeman, Greiner, Behn, Fraise, Horn, King, McKibben, and Schuerer. Nays, none. Absent or not voting, 3: Dearden, Hammond, and Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AFTERNOON SESSION

The Senate reconvened at 1:32 p.m., President Pro Tempore McKean presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redwine, for the remainder of the day, on request of Senator Freeman.

## QUORUM CALL

Senator Veenstra requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 292**, a bill for an act relating to the financial operations and transactions of the information technology department.

Read first time and **attached to companion Senate File 277**.

**House File 400**, a bill for an act relating to the regulation of real estate appraisers.

Read first time and referred to committee on **Commerce**.

**House File 518**, a bill for an act relating to jurisdictional changes to small claims court cases.

Read first time and referred to committee on **Judiciary**.

**House File 550**, a bill for an act adding the offense of criminal transmission of human immunodeficiency virus to the list of criminal offenses that require registration under the sex offender registry and providing an effective date.

Read first time and referred to committee on **Judiciary**.

**House File 560**, a bill for an act relating to child foster care regulatory requirements and providing an effective date.

Read first time and referred to committee on **Human Resources**.

**House File 575**, a bill for an act relating to establishing the state percent of growth for a school budget year, and providing an applicability date.

Read first time and referred to committee on **Education**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 425.

**Senate File 425**

On motion of Senator Jensen, **Senate File 425**, a bill for an act relating to standards of and participation in the title guaranty program, was taken up for consideration.

Senator Jensen offered amendment S-3222, filed by him on March 21, 2001, to pages 1-3 of the bill.

Senator Jensen offered amendment S-3224, filed by him from the floor to page 3 of amendment S-3222.

Senator Dvorsky asked and received unanimous consent that action on amendment S-3224 to amendment S-3222, amendment S-3222, and **Senate File 425** be **deferred**.

President Kramer took the chair at 1:55 p.m.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gaskill, for the remainder of the day, on request of Senator Sexton; and Senator Boettger, until she returns, on request of Senator Bartz.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 405 and 479.

**Senate File 405**

On motion of Senator McKean, **Senate File 405**, a bill for an act relating to the method of identifying precincts to be recounted for purposes of election recounts, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 405), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Boettger	Gaskill	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 479

On motion of Senator Sexton, **Senate File 479**, a bill for an act relating to wastewater systems, establishing a fund, appropriating moneys from the fund, and providing an effective date, was taken up for consideration.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 479), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Boettger	Gaskill	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### BUSINESS PENDING

### Senate File 425

The Senate resumed consideration of **Senate File 425**, a bill for an act relating to standards of and participation in the title guaranty

program, amendment S-3222, and amendment S-3224 to amendment S-3222, previously deferred.

Senator Jensen moved the adoption of amendment S-3224 to amendment S-3222.

Amendment S-3224 lost by a voice vote.

Senator Jensen moved the adoption of amendment S-3222, which motion prevailed by a voice vote.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 425), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Boettger	Gaskill	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 405, 425, and 479** be **immediately messaged** to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 597**, a bill for an act relating to the disposition of unclaimed deer venison processed by a meat and poultry processing establishment.

Read first time and **attached to companion Senate File 493**.

**House File 608**, a bill for an act relating to delinquency charges on certain precomputed consumer credit transactions.

Read first time and referred to committee on **Commerce**.

**House File 636**, a bill for an act relating to the reporting of underground storage tanks and to benefits provided through funds administered by the Iowa comprehensive petroleum underground storage tank fund board.

Read first time and referred to committee on **Natural Resources and Environment**.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:23 p.m. until 1:00 p.m. Monday, March 26, 2001.

## APPENDIX

### APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 27, 2001, to investigate the appointment and reappointment of the following appointees:

#### AGRICULTURE

As members of the Iowa Grain Indemnity Fund Board:

EDWIN HERSHBERGER – Greiner, Chair; Fraise and Shearer  
THOMAS KALDENBERG – Angelo, Chair; Behn and Soukup

As members of the State Soil Conservation Committee:

JENNIFER HOY – Greiner, Chair; Angelo and Fraise  
MADELINE MEYER – Gaskill, Chair; McLaren and Soukup

#### COMMERCE

As members of the Credit Union Review Board:

BECKY HANSEN – Gronstal, Chair; Johnson and Lundby  
DIANE KOLLASCH – Gronstal, Chair; Johnson and Lundby

As Superintendent of Credit Unions:

JAMES E. FORNEY – Johnson, Chair; Deluhery and Jensen

As a member of the Iowa Telecommunications and Technology Commission:

MARK SCHOUTEN – Schuerer, Chair; Flynn and King

As members of the Title Guaranty Division Board:

BERNEIL PREUL – Maddox, Chair; Bolkcom and Schuerer  
LYNN SMITH – Redfern, Chair; Deluhery and Jensen

As Chair of Utilities Board:

ALLAN THOMS – Johnson, Chair; Deluhery and Jensen

As a member of the Utilities Board:

ALLAN THOMS – Johnson, Chair; Deluhery and Jensen

### EDUCATION

As members of the Board of Educational Examiners:

YING YING CHEN – Dvorsky, Chair; Angelo and Redwine  
 PETER HATHAWAY – Redwine, Chair; Angelo and Dvorsky  
 HECTOR IBARRA – Angelo, Chair; Dvorsky and Redwine  
 THOMAS PAULSEN – Rehberg, Chair; Fink and McKinley  
 JEAN SEELAND – McKinley, Chair; Fink and Rehberg  
 ANITA WESTERHAUS – Fink, Chair; McKinley and Rehberg

As members of the State Board of Regents:

AMIR ARBISSER – Tinsman, Chair; Harper and Soukup  
 MARY ELLEN BECKER – Redfern, Chair; Shearer and Veenstra  
 SUE NIELAND – Veenstra, Chair; Redfern and Shearer

As a member of the School Budget Review Committee:

CLARK YEAGER – Shearer, Chair; Redfern and Veenstra

### HUMAN RESOURCES

As a member of the Board of Examiners for Athletic Training:

LORI CLAYTON – Veenstra, Chair; Bartz and Harper

As members of the Board of Behavioral Science Examiners:

JAMES ANASTASI – Bartz, Chair; Harper and Veenstra  
 LINDA NEBBE – Harper, Chair; Bartz and Veenstra  
 JUDITH RODDY – Veenstra, Chair; Behn and Dvorsky  
 VILIA TARVYDAS – Dvorsky, Chair; Behn and Veenstra

As a member of the Commission for the Blind:

JOHN WELLMAN – Holveck, Chair; Bartz and Schuerer

As members of the Commission on Community Action Agencies:

WILLIAM BILLINGS – Behn, Chair; Dvorsky and Veenstra  
 LOIS EICHACKER – Schuerer, Chair; Bartz and Holveck  
 CATHERINE WHITFIELD – Hammond, Chair; Redwine and Tinsman

As a member of the Commission on the Deaf:

MARVIN TUTTLE – Boettger, Chair; Behn and Hammond

As members of the Commission of Elder Affairs:

HAROLD DAVIS – Bartz, Chair; Holveck and Schuerer  
CLEMMIE HIGHTOWER – Tinsman, Chair; Hammond and Redwine  
YOGESH SHAH – Dvorsky, Chair; Miller and Veenstra

As members of the Iowa Empowerment Board:

JENNIFER LIGHTBODY – Redwine, Chair; Hammond and Tinsman  
MATTHEW MOHRFELD – Miller, Chair; Dvorsky and Veenstra  
CAROLYN OLSON-ILLG – Veenstra, Chair; Dvorsky and Miller  
ELAINE SZYMONIAK – Tinsman, Chair; Boettger and Harper

As members of the State Citizen Foster Care Review Board:

CONNIE BEAR KING – Boettger, Chair; Harper and Tinsman  
LARRY NUSS – Harper, Chair; Boettger and Tinsman  
LIL PERRY – Shearer, Chair; Behn and Tinsman  
TERESA ROHRET – Tinsman, Chair; Behn and Shearer

As members of the Health Facilities Council:

CYNTHIA BEAUMAN – Behn, Chair; Shearer and Tinsman  
GARY BUTZ – Schuerer, Chair; Miller and Shearer

As members of the Council on Human Services:

ROGER HARTMAN – Miller, Chair; Schuerer and Shearer  
JAMES MILLER – Shearer, Chair; Miller and Schuerer

As members of the Mental Health and Developmental Disabilities Commission:

SALLY ALT – Tinsman, Chair; Hammond and Miller  
MICHAEL BERGAN – Miller, Chair; Hammond and Tinsman  
RICHARD CAMPBELL – Hammond, Chair; Miller and Tinsman  
MURLEAN HALL – Tinsman, Chair; Hammond and Miller  
MARC RIVELAND – Behn, Chair; Dvorsky and Redwine

As members of the Board of Physician Assistant Examiners:

JAMES CUNNINGHAM – Dvorsky, Chair; Behn and Redwine  
EDWARD FRIEDMANN – Redwine, Chair; Behn and Dvorsky

As members of the Commission on Tobacco Use Prevention and Control:

DAVID CARLYLE – Hammond, Chair; Behn and Boettger  
SHARON WELLENDORF – Behn, Chair; Boettger and Hammond

## JUDICIARY

As members of the Iowa State Civil Rights Commission:

CONSTANCE GRONSTAL – McKean, Chair; Horn and Redfern  
 GILBERTO SOLIVAN – Redfern, Chair; Hansen and Lamberti  
 TIMOTHY TUTT – Holveck, Chair; Lamberti and Maddox  
 MARIA WATERMAN – Tinsman, Chair; Horn and Redfern

As members of the Board of Corrections:

SUELLEN OVERTON – Angelo, Chair; Fraise and Tinsman  
 DONALD TIETZ – Maddox, Chair; Angelo and Fraise

As Administrator of the Division of Criminal and Juvenile Justice Planning:

RICHARD G. MOORE – Hammond, Chair; Angelo and Miller

As a member of the Criminal and Juvenile Justice Planning Advisory Council:

MONICA MURRAY – Redfern, Chair; Boettger and Horn

As a member of the Iowa Drug Policy Advisory Council

PAMELA DETTMANN – Redfern, Chair; Holveck and King

As members of the State Judicial Nominating Commission:

CONSTANCE BIRMINGHAM – King, Chair; Hammond and Tinsman  
 THOMAS COURTNEY – Fraise, Chair; Miller and Tinsman  
 JOHN TAYLOR – King, Chair; Hammond and Tinsman

As a member of the Commission on Judicial Qualifications:

RUTH KAMMEIER – Boettger, Chair; Hammond and Miller

As members of the Board of Parole:

CURTIS JENKINS – McKean, Chair; Hammond and Maddox  
 ROGERS KIRK – Tinsman, Chair; Fiegen and King

## LOCAL GOVERNMENT

As members of the County Finance Committee:

GISELE-JILL MARLOW – Schuerer, Chair; Black and Zieman  
 KAY SWANSON – Zieman, Chair; Black and Schuerer

As a member of the Iowa Lewis and Clark Bicentennial Commission:

NATE PARKER – Hansen, Chair; Angelo and McKibben

As members of the Mental Health Risk Pool Board:

JUDY CLARK – Angelo, Chair; Bartz and Fraise  
 RALPH KREMER – Gaskill, Chair; Bartz and Hansen  
 SALLY STUTSMAN – Zieman, Chair; Bartz and Black

### **NATURAL RESOURCES AND ENVIRONMENT**

As members of the Environmental Protection Commission:

LORI GLANZMAN – Freeman, Chair; Bartz and Kibbie  
 DARRELL HANSON – Johnson, Chair; Dearden and Lundby  
 KATHRYN MURPHY – Black, Chair; Freeman and Miller  
 JAMES TOBIN – Fink, Chair; Bartz and Miller  
 TERRANCE TOWNSEND – Kibbie, Chair; Bartz and McLaren

As members of the Natural Resource Commission:

JANICE MARCANTONIO – Dearden, Chair; Drake and McLaren  
 JOAN SCHNEIDER – Deluhery, Chair; Drake and Miller

As a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

JAMES HOLCOMB – Fink, Chair; Drake and Miller

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

As members of the Iowa Economic Development Board:

USHA BALAKRISHNAN – Flynn, Chair; Veenstra and Zieman  
 TERRANCE DUGGAN – Behn, Chair; Gaskill and Holveck  
 DIMAGGIO NICHOLS – Greiner, Chair; Dvorsky and Lamberti  
 JACK SICKLER – Shearer, Chair; Gaskill and Rehberg

As members of the Small Business Advisory Council:

ALLISON DELUHERY – McKinley, Chair; Dvorsky and Veenstra  
 NICHOLAS HENDERSON – Lamberti, Chair; Behn and Fiegen  
 DOUGLAS LABOUNTY – Fiegen, Chair; Greiner and Zieman

### **STATE GOVERNMENT**

As members of the Accountancy Examining Board:

LINDA HOPKINS – Bolkcom, Chair; Drake and McLaren  
 SUSAN LOY – Jensen, Chair; Connolly and Rittmer  
 WESLEY STILLE – Lamberti, Chair; Fink and King

As a member of the Commission on the Status of African-Americans:

ROBERT TYSON – Dearden, Chair; Deluhery and Maddox

As members of the Alcoholic Beverages Commission:

GAYLE COLLINS – Maddox, Chair; Deluhery and Lamberti  
DICK STOFFER – King, Chair; Connolly and Kibbie

As members of the Architectural Examining Board:

DALE MCKINNEY – McLaren, Chair; Dearden and Sexton  
SUSAN MCKINNEY – McLaren, Chair; Dearden and Sexton

As a member of the Board of Barber Examiners:

STUART PRESTON – Rittmer, Chair; Drake and Fink

As a member of the Board of Chiropractic Examiners:

ROD REBARCAK – Lamberti, Chair; Fink and King

As a member of the Board of Cosmetology Arts and Sciences Examiners:

MARY MYERS – Fink, Chair; Dearden and Sexton

As members of the Board of Dental Examiners:

GEORGE NORTH – Jensen, Chair; Bolkcom and McKean  
RICHARD REAY – Lamberti, Chair; Dearden and Maddox

As a member of the Board of Dietetic Examiners:

JEAN ANDERSON – Maddox, Chair; Dearden and Lamberti

As a member of the Iowa Emergency Response Commission:

SUSAN LAGNEAUX – Dearden, Chair; Lamberti and Maddox

As members of the Engineering and Land Surveying Examining Board:

DIANA HOOGESTRAAT – McLaren, Chair; Kibbie and King  
DENNIS OSIPOWICZ – Rittmer, Chair; Deluhery and McKean

As members of the Board for the Licensing and Regulation of Hearing Aid Dealers:

MICHAEL SMITH – Kibbie, Chair; Connolly and Drake  
MICHAEL WOLNERMAN – Dearden, Chair; Lamberti and Maddox

As members of the Investment Board of the IPERS:

ANN HUTCHINSON – McLaren, Chair; Deluhery and King  
BRUCE KELLEY – Lamberti, Chair; Dearden and King  
JOANNE STOCKDALE – Kibbie, Chair; King and McLaren

As members of the Landscape Architectural Examining Board:

JON CROSE – Maddox, Chair; Dearden and Lamberti  
GRACE NELSON – Jensen, Chair; Fink and King

As members of the Board of Massage Therapy Examiners:

ROBERT BUCHANAN – Deluhery, Chair; Bolkcom and Drake  
JEANINE GRADY – Drake, Chair; Bolkcom and McKean

As members of the Board of Medical Examiners:

JOHN BRINKMAN – Deluhery, Chair; Fink and Sexton  
MICHAEL BYRNE – McKean, Chair; Deluhery and Drake  
DALE HOLDIMAN – King, Chair; Fink and Lamberti

As members of the Board of Mortuary Science Examiners:

RONALD HOFBAUER – Drake, Chair; Fink and McKean  
RICARD PORTER – King, Chair; Kibbie and Lamberti

As members of the Board of Nursing Examiners:

LINDA BRADY – Dearden, Chair; Lamberti and Maddox  
MERLIN HULSE – Rittmer, Chair; Bolkcom and McKean  
WILLIAM MILLER – King, Chair; Kibbie and Lamberti

As members of the State Board of Examiners for Nursing Home Administrators:

CLAUDIA BOEDING – Bolkcom, Chair; Connolly and Jensen  
JUDY WELLER – Kibbie, Chair; Jensen and McKean

As a member of the Board of Optometry Examiners:

CHRISTOPHER OLSON – Bolkcom, Chair; Deluhery and Sexton

As members of the Board of Pharmacy Examiners:

G. KAY BOLTON – Lamberti, Chair; Dearden and Maddox  
MICHAEL SEIFERT – Maddox, Chair; Dearden and Lamberti

As members of the Board of Physical and Occupational Therapy Examiners:

CHERYL STEWART – McLaren, Chair; Kibbie and Sexton  
MARTIN UNGS – Dearden, Chair; Lamberti and Maddox  
KURT WALDERBACH – Bolkcom, Chair; Drake and McLaren

As members of the Board of Podiatry Examiners:

ERIC JENSEN – Fink, Chair; Deluhery and Sexton  
KIM LOZIER – Bolkcom, Chair; Deluhery and Drake  
MATTHEW WILBER – Deluhery, Chair; Drake and Jensen

As a member of the Board of Psychology Examiners:

DANIEL COURTNEY – Jensen, Chair; Fink and Sexton

As a member of the State Racing and Gaming Commission:

MICHAEL MAHAFFEY – King, Chair; Kibbie and McKean

As members of the Real Estate Appraiser Examining Board:

RICHARD BRUCE – Connolly, Chair; Deluhery and Jensen

RICHARD KOESTNER – Deluhery, Chair; Drake and McKean

As a member of the Real Estate Commission:

DOROTHY WOLINE – McKean, Chair; Fink and Rittmer

As a member of the State Board for Respiratory Care:

WILLIAM MOTZ – King, Chair; Kibbie and McKean

As members of the Board of Social Work Examiners:

LANCE CLEMSEN – Fink, Chair; Jensen and Rittmer

JANICE MCCOY – Maddox, Chair; Dearden and Lamberti

JENNIFER OMAN – Fink, Chair; Bolkcom and Jensen

JOYCE WESTPHAL – McLaren, Chair; Kibbie and Sexton

As members of the Board of Speech Pathology and Audiology Examiners:

LAURA JOHNSON – Kibbie, Chair; Lamberti and Maddox

KENNETH LOWDER – Bolkcom, Chair; Deluhery and Rittmer

As members of the Vision Iowa Board:

GREGG CONNELL – Lamberti, Chair; Fink and King

JERRY KEARNS – Lamberti, Chair; Fink and King

LAMETTA WYNN – Rittmer, Chair; Connolly and Lamberti

## **TRANSPORTATION**

As members of the Iowa Law Enforcement Academy Council:

THOMAS LILLQUIST – Kibbie, Chair; Freeman and Zieman

PATTY LINK – Fink, Chair; McCoy and McKinley

As members of the State Transportation Commission:

PATRICIA CRAWFORD – Dearden, Chair; Jensen and McLaren

THOMAS HART – Rittmer, Chair; Drake and Fraise

### WAYS AND MEANS

As members of the Iowa Finance Authority:

ROGER CAUDRON – Redwine, Chair; Holveck and McKinley  
NANCY EVANS – Flynn, Chair; Drake and Greiner  
RICHARD WRIGHT – Rehberg, Chair; Holveck and Redwine

As a member of the State Board of Tax Review:

COURTNEY KAY-DECKER – Greiner, Chair; Deluhery and McKinley

### COMPANION BILLS RECEIVED

On March 22, 2001, **House File 292** was received and attached to companion **Senate File 277** on the Senate calendar.

On March 22, 2001, **House File 597** was received and attached to companion **Senate File 493** on the Senate calendar.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Coach Bill McTaggart and the City High Girls' Basketball Team of Iowa City — For recognition of qualifying for the Girls' State Basketball Tournament. Senator Dvorsky (03/22/01).

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** March 22, 2001, 1:08 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Fiegen, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann.

**Members Absent:** Gaskill (excused).

**Committee Business:** Approved Governor's appointees.

**Adjourned:** 1:20 p.m.

#### COMMERCE

**Convened:** March 22, 2001, 1:05 p.m.

**Members Present:** Johnson, Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, Lundy, Maddox, Redfern, and Redwine.

**Members Absent:** Schuerer, Vice Chair; Hansen, Jensen, King, and McCoy (all excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 1:10 p.m.

## HUMAN RESOURCES

**Convened:** March 22, 2001, 11:40 a.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Dvorsky, Harper, Holveck, Miller, Schuerer, and Veenstra.

**Members Absent:** Boettger and Shearer (both excused).

**Committee Business:** Approved Governor's appointees.

**Adjourned:** 11:50 a.m.

## LOCAL GOVERNMENT

**Convened:** March 22, 2001, 10:10 a.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Johnson, McCoy, Schuerer, and Zieman.

**Members Absent:** Gaskill, Horn, and McKibben (all excused).

**Committee Business:** Approved Governor's appointees.

**Recessed:** 10:20 a.m.

**Reconvened:** 10:25 a.m.

**Adjourned:** 10:35 a.m.

## TRANSPORTATION

**Convened:** March 22, 2001, 11:30 a.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Zieman.

**Members Absent:** Dearden (excused).

**Committee Business:** Subcommittee assignments.

**Adjourned:** 11:34 a.m.

## COMMITTEE REPORTS

### EDUCATION

**Final Bill Action:** HOUSE FILE 309, a bill for an act to legalize participation in an instructional support program by the West Bend-Mallard Community School District and providing an effective and retroactive applicability date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 462, a bill for an act relating to the reimbursement of administrative costs of an area education agency for services provided by the agency under part C of the federal Individuals With Disabilities Education Act, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### JUDICIARY

**Final Bill Action:** SENATE FILE 511, a bill for an act to legalize certain ordinances and amendments considered and passed by the city of Davenport in accordance with procedures no longer valid, and providing an effective date and for retroactive applicability.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Boettger.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** HOUSE JOINT RESOLUTION 11, a joint resolution to nullify administrative rules of the department of natural resources requiring a harvest report of wild turkeys by resident and nonresident hunters, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, McLaren, Miller, and Rittmer. Nays, 1: Lundby. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

### NATURAL RESOURCES AND ENVIRONMENT

Jeffrey R. Vonk – Director of the Department of Natural Resources

### STATE GOVERNMENT

Richard J. Varn – Director of the Information Technology Department

Sandra L. Dell – Administrator of the Administration Division of the Department of Information Technology

Sharon K. Sperry – Administrator of the Customer Liaison Division of the Department of Information Technology

Daniel A. Combs – Administrator of the Digital Government Bureau of the Department of Information Technology

Russell F. Rozinek – Administrator of the Operations Division of the Department of Information Technology

Deborah A. O'Leary – Administrator of the Policy and Planning Division of the Department of Information Technology

Michael Gartner – Chairperson of the Vision Iowa Board

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**AGRICULTURE**

Edwin Hershberger – Iowa Grain Indemnity Fund Board  
Thomas Kaldenberg – Iowa Grain Indemnity Fund Board

Jennifer Hoy – State Soil Conservation Committee  
Madeline Meyer – State Soil Conservation Committee

**HUMAN RESOURCES**

Linda Nebbe – Board of Behavioral Science Examiners  
Elizabeth Shannahan – Board of Behavioral Science Examiners

John Wellman – Commission for the Blind

Lois Eichacker – Commission on Community Action Agencies

Jennifer Lightbody – Iowa Empowerment Board

Sylvia Schoer – Council on Human Services

Edward Friedmann – Board of Physician Assistant Examiners

Gilda Bettis – Commission on Tobacco Use Prevention and Control  
Dixie Daugherty – Commission on Tobacco Use Prevention and Control  
Randy Meyer – Commission on Tobacco Use Prevention and Control  
Frank O'Connor – Commission on Tobacco Use Prevention and Control

**JUDICIARY**

Constance Gronstal – Iowa State Civil Rights Commission

Thomas Courtney – State Judicial Nominating Commission

**LOCAL GOVERNMENT**

Gisele-Jill Marlow – County Finance Committee  
Kay Swanson – County Finance Committee

Judy Clark – Mental Health Risk Pool Board  
Sally Stutsman – Mental Health Risk Pool Board

**STATE GOVERNMENT**

Steven Kraus – Board of Chiropractic Examiners

Forrest Holly, Jr. – Engineering and Land Surveying Examining Board

Mary Brandsgard – Information Technology Council  
Cynthia Eisenhauer – Information Technology Council  
Sandra Glenn – Information Technology Council  
Diane Kolmer – Information Technology Council

Timothy Lapointe – Information Technology Council  
 Sharman Smith – Information Technology Council  
 Rose Vasquez – Information Technology Council

Quentin Boyken – Iowa Access Advisory Council  
 Marsha Carter – Iowa Access Advisory Council  
 Gail Flagel – Iowa Access Advisory Council  
 Jane Ginapp – Iowa Access Advisory Council  
 Kelly Hayworth – Iowa Access Advisory Council  
 Craig Hiemstra – Iowa Access Advisory Council  
 Carol Johnson – Iowa Access Advisory Council  
 Corlis Moody – Iowa Access Advisory Council  
 Richard Neri – Iowa Access Advisory Council  
 Julie Newby – Iowa Access Advisory Council  
 Bob Skow – Iowa Access Advisory Council  
 Herbert Strentz – Iowa Access Advisory Council  
 John Wellman – Iowa Access Advisory Council

Debra Brooks – Board of Massage Therapy Examiners  
 Justin Fisher – Board of Massage Therapy Examiners

Michael Byrne – Board of Medical Examiners  
 Susan Johnson – Board of Medical Examiners

Susan Frey – State Board of Examiners for Nursing Home Administrators  
 Judy Weller – State Board of Examiners for Nursing Home Administrators

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System  
 Trustee

Paul Abramowitz – Board of Pharmacy Examiners

Angela Langrehr – Board of Podiatry Examiners

Cindy Hansen – Real Estate Appraiser Examining Board

Dianne Paca – Vice Chairperson of the Vision Iowa Board

Marvin Berenstein – Vision Iowa Board  
 Mary Ellen Chamberlin – Vision Iowa Board  
 Gregg Connell – Vision Iowa Board  
 Swati Dandekar – Vision Iowa Board  
 Sharon Juon – Vision Iowa Board  
 Jerry Kearns – Vision Iowa Board  
 Bradford Parks – Vision Iowa Board  
 LaMetta Wynn – Vision Iowa Board

#### AMENDMENTS FILED

S-3224	S.F. 425	John W. Jensen
S-3225	S.F. 289	Merlin E. Bartz

S-3226	S.F. 375	Patrick J. Deluhery
S-3227	S.F. 463	Patrick J. Deluhery
		Mike Sexton

# JOURNAL OF THE SENATE

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SEVENTY-EIGHTH CALENDAR DAY  
FORTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 26, 2001

The Senate met in regular session at 1:13 p.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend De Ann Klapp, pastor of the United Methodist Church in Pisgah, Iowa, guest of Senator Boettger.

The Journal of Thursday, March 22, 2001, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 567**, a bill for an act providing for a legal risk waiver in interstate adoptions.

Read first time and referred to committee on **Human Resources**.

**House File 630**, a bill for an act relating to campaign finance law and providing penalties.

Read first time and **attached to similar Senate File 375**.

**House File 637**, a bill for an act relating to the responsibilities and duties of the department of education, area education agencies, and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the unified

library service area, and development of a biennial unified plan of service and service delivery in consultation with unified library service areas and area education agency media centers.

Read first time and referred to committee on **Education**.

**House File 643**, a bill for an act providing statutory revisions relating to the department of education, school districts, and the kindergarten through grade twelve educational program.

Read first time and referred to committee on **Education**.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, until he arrives, on request of Senator Fink; Senators Rehberg and Tinsman, until they arrive, on request of Senator Boettger; and Senator Redfern, until he arrives, on request of Senator Angelo.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 449.

### Senate File 449

On motion of Senator Redwine, **Senate File 449**, a bill for an act exempting property owned and operated by an Indian housing authority from property tax and including an effective date, was taken up for consideration.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 449), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden

Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redwine	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Flynn	Redfern	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 375, House File 194, and Senate File 452.

#### **Senate File 375**

On motion of Senator Rittmer, **Senate File 375**, a bill for an act relating to campaign finance law and providing penalties, was taken up for consideration.

Senator Rittmer asked and received unanimous consent that action on **Senate File 375** be **deferred**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soukup, until she returns, on request of Senator Harper.

## House File 194

On motion of Senator Holveck, **House File 194**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Holveck 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. 194), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redwine	Rittmer
Schuerer	Sexton	Shearer	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Flynn	Redfern	Rehberg	Soukup
Tinsman			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## Senate File 452

On motion of Senator Redwine, **Senate File 452**, a bill for an act requiring the use of a uniform prescription drug information card by providers of third-party payment or prepayment of prescription drug expenses, was taken up for consideration.

Senator Johnson offered amendment S-3219, filed by her on March 21, 2001, to page 2 of the bill, and moved its adoption.

Amendment S-3219 was adopted by a voice vote.

Senator Johnson withdrew amendment S-3218, filed by her on March 21, 2001, to page 2 of the bill.

Senator Johnson offered amendment S-3220, filed by her on March 21, 2001, to page 2 of the bill, and moved its adoption.

Amendment S-3220 was adopted by a voice vote.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 452), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redwine	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Flynn	Redfern	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 449** and **452** and **House File 194** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 323, 407, and 410.

**Senate File 323**

On motion of Senator Drake, **Senate File 323**, a bill for an act relating to the standard for investment of retirement funds by municipal utilities, with report of committee recommending passage, was taken up for consideration.

Senator Drake withdrew amendment S-3215, filed by him on March 21, 2001, to page 1 of the bill.

Senator Drake offered amendment S-3229, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3229 was adopted by a voice vote.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 323), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley

McLaren	Miller	Redfern	Redwine
Rittmer	Schuerer	Sexton	Shearer
Soukup	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Flynn	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kramer took the chair at 1:57 p.m.

### Senate File 407

On motion of Senator Fink, **Senate File 407**, a bill for an act relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means, was taken up for consideration.

Senator Fink moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 407), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Flynn	McCoy	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 410

On motion of Senator Sexton, **Senate File 410**, a bill for an act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources, was taken up for consideration.

Senator Sexton offered amendment S-3228, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-3228 was adopted by a voice vote.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 410), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rittmer	Schuerer	Sexton	Shearer
Soukup	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Flynn	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 323, 407, and 410** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 228 and Senate File 263.

#### House File 228

On motion of Senator Angelo, **House File 228**, a bill for an act relating to the duties of the department of public safety, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 228), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren

Miller	Redfern	Redwine	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Flynn	McCoy	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 263

On motion of Senator Freeman, **Senate File 263**, a bill for an act relating to balloon payments on consumer loans secured by a certificate of title in a motor vehicle, was taken up for consideration.

Senator Freeman asked and received unanimous consent that **House File 269** be **substituted** for **Senate File 263**.

### House File 269

On motion of Senator Freeman, **House File 269**, a bill for an act relating to balloon payments on consumer loans secured by a certificate of title in a motor vehicle, was taken up for consideration.

Senator Fiegen asked and received unanimous consent that action on **House File 269** be **deferred**.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 466 and 462.

### Senate File 466

On motion of Senator Miller, **Senate File 466**, a bill for an act relating to child care and protection public policy provisions involving children, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 466), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rittmer	Schuerer	Sexton	Shearer
Soukup	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Flynn	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## Senate File 462

On motion of Senator Sexton, **Senate File 462**, a bill for an act relating to the energy loan fund administered by the department of natural resources, was taken up for consideration.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 462), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen

Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rittmer	Schuerer	Sexton	Shearer
Soukup	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Flynn	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 462** and **466** and **House File 228** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 446 and 84.

#### **Senate File 446**

On motion of Senator Zieman, **Senate File 446**, a bill for an act providing an exception to motor vehicle lighting requirements for drivers of police vehicles, was taken up for consideration.

Senator Zieman offered amendment S-3231, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3231 be adopted?" (S.F. 446), the vote was:

Ayes, 33:

Angelo	Bartz	Behn	Boettger
Dearden	Deluhery	Drake	Fink
Freeman	Gaskill	Greiner	Gronstal
Hansen	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rittmer	Schuerer	Sexton	Veenstra
Zieman			

Nays, 14:

Black	Bolkcom	Connolly	Dvorsky
Fiegen	Fraise	Hammond	Harper
Holveck	Horn	Kibbie	McCoy
Shearer	Soukup		

Absent or not voting, 3:

Flynn	Rehberg	Tinsman
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Amendment S-3231 was adopted.

Senator Hammond asked and received unanimous consent that action on **Senate File 446** be **deferred**.

### **Senate File 84**

On motion of Senator Johnson, **Senate File 84**, a bill for an act prohibiting the sale or distribution of purple loosestrife, was taken up for consideration.

Senator Greiner offered amendment S-3008, filed by her on January 30, 2001, to page 1 of the bill.

Senator Greiner offered amendment S-3236, filed by her from the floor to page 1 of amendment S-3008.

Senator Greiner withdrew amendments S-3236 and S-3008.

The Senate stood at ease at 3:15 p.m. until the fall of the gavel.

The Senate resumed session at 3:17 p.m., President Kramer presiding.

Senator Greiner offered amendment S-3232, filed by her from the floor to page 1 and to the title page of the bill.

Senator Greiner called for the following division of amendment S-3232:

Division S-3232A: Lines 2-3; and

Division S-3232B: Lines 4-32.

Senator Greiner withdrew division S-3232A.

Senator Johnson asked and received unanimous consent that action on division S-3232B and **Senate File 84** be **deferred**.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 3:40 p.m. until 5:30 p.m.

#### EVENING SESSION

The Senate reconvened at 5:47 p.m., President Pro Tempore McKean presiding.

#### QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent, and a quorum present.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 2001, **adopted** the following resolution in which the concurrence of the House was asked:

**Senate Joint Resolution 6**, a joint resolution nullifying an amendment to an administrative rule of the department of natural

resources eliminating the unprotected nongame status of reptiles and providing an effective date.

ALSO: That the House has on March 26, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 73**, a bill for an act relating to the powers and duties of the executive director of the commission of veterans affairs by providing for the recognition of honor guard units of veterans organizations to perform honor guard services.

Read first time and referred to committee on **State Government**.

**House File 384**, a bill for an act relating to the elimination of programs and duties of the department of economic development.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 535**, a bill for an act allowing cities to issue general obligation bonds, revenue bonds, or loan agreements to fund the construction and equipping of child care centers and providing an effective date.

Read first time and referred to committee on **Local Government**.

**House File 579**, a bill for an act relating to the administration and management of the department of personnel.

Read first time and referred to committee on **State Government**.

**House File 590**, a bill for an act relating to the testing of individuals and the release of the results of tests for communicable and infectious diseases and for the human immunodeficiency virus and making penalties applicable.

Read first time and referred to committee on **Human Resources**.

**House File 669**, a bill for an act relating to the acceptance and administration of trusts by a school corporation board of directors.

Read first time and referred to committee on **Education**.

**House File 674**, a bill for an act relating to the reorganization or dissolution of an area education agency.

Read first time and referred to committee on **Education**.

**House File 678**, a bill for an act relating to child custody and visitation including the requirement of mediation when a custody arrangement is disputed.

Read first time and referred to committee on **Judiciary**.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kramer, until she returns, on request of Senator Iverson; and Senator Redwine, until he returns, on request of Senator Hansen.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 179 and Senate Files 224 and 470.

#### **House File 179**

On motion of Senator Zieman, **House File 179**, a bill for an act relating to excluding from confinement dogs used by police or correctional officers, with report of committee recommending passage, was taken up for consideration.

Senator Zieman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 179), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman

Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Kramer	Redwine	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 224

On motion of Senator Lamberti, **Senate File 224**, a bill for an act relating to exceptions to the required participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order, was taken up for consideration.

Senator Lamberti offered amendment S-3177, filed by him on March 13, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3177 was adopted by a voice vote.

Senator Lamberti asked and received unanimous consent that action on **Senate File 224** be **deferred**.

### Senate File 470

On motion of Senator Greiner, **Senate File 470**, a bill for an act relating to the regulation of infectious and contagious diseases in animals, and providing for penalties, was taken up for consideration.

Senator Greiner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 470), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Kramer	Redwine	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 470** and **House File 179** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 461, 459, and 339.

#### **Senate File 461**

On motion of Senator Freeman, **Senate File 461**, a bill for an act relating to advertising devices placed along interstate highways, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 461), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Kramer	Redwine	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 459

On motion of Senator King, **Senate File 459**, a bill for an act providing for the protection of proprietary rights and collection of fees and revenue for software, network designs, and technology applications of the Iowa communications network, was taken up for consideration.

Senator King offered amendment S-3234, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3234 was adopted by a voice vote.

Senator King asked and received unanimous consent that **House File 470** be substituted for **Senate File 459**.

## House File 470

On motion of Senator King, **House File 470**, a bill for an act providing for the protection of proprietary rights and collection of fees for software, network designs, and technology applications of the Iowa communications network, was taken up for consideration.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 470), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Kramer	Redwine	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator King asked and received unanimous consent that **Senate File 459** be **withdrawn** from further consideration of the Senate.

### Senate File 339

On motion of Senator Sexton, **Senate File 339**, a bill for an act relating to scheduled fines for hunting and fishing violations, was taken up for consideration.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 339), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Kramer	Redwine	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 339** and **461** and **House File 470** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 456.

**Senate File 456**

On motion of Senator Greiner, **Senate File 456**, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability, was taken up for consideration.

Senator Greiner offered amendment S-3233, filed by her from the floor to pages 3, 4, 6, and 7 of the bill, and moved its adoption.

Amendment S-3233 was adopted by a voice vote.

Senator Greiner asked and received unanimous consent that **House File 502** be **substituted** for **Senate File 456**.

**House File 502**

On motion of Senator Greiner, **House File 502**, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability, was taken up for consideration.

Senator Fiegen asked and received unanimous consent that action on **House File 502** be **deferred**.

BUSINESS PENDING

**House File 269**

The Senate resumed consideration of **House File 269**, a bill for an act relating to balloon payments on consumer loans secured by a certificate of title in a motor vehicle, previously deferred.

Senator Bartz took the chair at 6:45 p.m.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 269), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rittmer
Schuerer	Sexton	Shearer	Soukup
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Kramer	Redwine	Rehberg	Tinsman
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Freeman asked and received unanimous consent that **Senate File 263** be **withdrawn** from further consideration of the Senate.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 346.

### Senate File 346

On motion of Senator McKean, **Senate File 346**, a bill for an act relating to the department of corrections by providing for the use of

deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, was taken up for consideration.

Senator Holveck asked and received unanimous consent that action on **Senate File 346** be **deferred**.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 269** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS (Deferred March 20, 2001)

#### **Senate File 170**

The Senate resumed consideration of **Senate File 170**, a bill for an act relating to training requirements for certain child laborers and providing an effective date, deferred March 20, 2001.

Senator Dearden offered amendment S-3198, filed by him on March 20, 2001, to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-3198 lost by a voice vote.

Senator Gronstal offered amendment S-3208, filed by him on March 21, 2001, to page 2 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3208 be adopted?" (S.F. 170), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Miller
Shearer	Soukup		

Nays, 24:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Redfern	Rittmer
Schuerer	Sexton	Veenstra	Zieman

Absent or not voting, 4:

Kramer	Redwine	Rehberg	Tinsman
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Amendment S-3208 lost.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 170), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond

Hansen  
Kibbie

Harper  
McCoy

Holveck  
Shearer

Horn  
Soukup

Absent or not voting, 3:

Redwine

Rehberg

Tinsman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 170** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:08 p.m. until 9:00 a.m. Tuesday, March 27, 2001.

## APPENDIX

### SIMILAR BILL RECEIVED

On March 22, 2001, **House File 630** was received and attached to similar **Senate File 375** on the Senate calendar.

### BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of March, 2001:

Senate File 276.

MICHAEL E. MARSHALL  
Secretary of the Senate

### REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Diane Kolmer – Information Technology Council

STEWART E. IVERSON, JR.

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 26, 2001, when the votes were taken on Senate Files 323, 407, 410, 449, 452, 462, and 466 and House Files 194 and 228. Had I been present, I would have voted “Aye” on all.

TOM FLYNN

### STUDY BILLS RECEIVED

#### **SSB 1252**      **Ways and Means**

Establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes

of the state individual income tax and including a retroactive applicability date provision.

**SSB 1253      Ways and Means**

Establishing an interstate distribution center initiative by identifying an activity of a foreign corporation which does not constitute doing business in or deriving income from sources within the state and for which a return is not required for state income tax purposes and including effective and retroactive applicability date provisions.

**SSB 1254      Ways and Means**

Establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

**SSB 1255      Ways and Means**

Relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, and premiums tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 458**

JUDICIARY: Boettger, Chair; Angelo and Hansen

**House File 518**

JUDICIARY: Miller, Chair; Holveck and McKean

**House File 550**

JUDICIARY: Angelo, Chair; Horn and Miller

**House File 560**

HUMAN RESOURCES: Bartz, Chair; Boettger and Hammond

**House File 587**

JUDICIARY: Redfern, Chair; Fraise and Tinsman

**SSB 1252**

WAYS AND MEANS: McKibben, Chair; Deluhery and McKinley

**SSB 1253**

WAYS AND MEANS: Redwine, Chair; Bolkcom and Maddox

**SSB 1254**

WAYS AND MEANS: McKibben, Chair; Deluhery and Redwine

**SSB 1255**

WAYS AND MEANS: McKinley, Chair; Drake and Harper

**AMENDMENTS FILED**

S-3228	S.F.	410	Mike Sexton
S-3229	S.F.	323	Richard F. Drake
S-3230	S.F.	478	Andy McKean Thomas Fiegen
S-3231	S.F.	446	Mark Zieman
S-3232	S.F.	84	Sandra Greiner
S-3233	S.F.	456	Sandra Greiner
S-3234	S.F.	459	Steve King
S-3235	S.F.	348	Bill Fink
S-3236	S.F.	84	Sandra Greiner
S-3237	S.F.	348	Jeff Angelo
S-3238	S.F.	465	Mike Sexton
S-3239	S.F.	478	Andy McKean
S-3240	S.F.	375	Andy McKean John P. Kibbie
S-3241	H.F.	630	Andy McKean John P. Kibbie
S-3242	S.F.	84	JoAnn Johnson Merlin E. Bartz

			Dennis H. Black
			Mary Lou Freeman
S-3243	S.F.	84	Sandra Greiner
S-3244	H.F.	324	Richard F. Drake
			John P. Kibbie
S-3245	S.F.	375	Sheldon Rittmer
			Patrick J. Deluhery
S-3246	H.F.	630	Sheldon Rittmer
			Patrick J. Deluhery

# JOURNAL OF THE SENATE

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SEVENTY-NINTH CALENDAR DAY  
FORTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 27, 2001

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by the Reverend Corey Miller, pastor of the Church of Christ in Carroll, Iowa, guest of Senator Behn.

The Journal of Monday, March 26, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Flynn, until he arrives, on request of Senator Gronstal; and Senator Redwine, until he arrives, on request of Senator Iverson.

## BILLS REFERRED TO COMMITTEES

Senator Iverson asked and received unanimous consent that **Senate Files 139, 379, and 457** be referred from the Regular Calendar to the committee on **Appropriations** and that **Senate Files 489 and 510** be referred from the Regular Calendar to the committee on **Ways and Means**.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 89 and Senate File 433.

## House File 89

On motion of Senator Rehberg, **House File 89**, a bill for an act relating to the supervision of curriculum received via the Iowa communications network, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 89), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hansen	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, 5:

Fink	Hammond	Harper	McCoy
Shearer			

Absent or not voting, 2:

Flynn	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## Senate File 433

On motion of Senator Tinsman, **Senate File 433**, a bill for an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 433), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Flynn	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 433** and **House File 89** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 499.

## Senate File 499

On motion of Senator Maddox, **Senate File 499**, a bill for an act making changes to and reorganizing scheduled fines, was taken up for consideration.

Senator Bartz offered amendment S-3249, filed by Senator Bartz, et al., from the floor to page 1 of the bill.

Senator Maddox raised the point of order that amendment S-3249 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-3249 in order.

Senator Bartz moved the adoption of amendment S-3249.

A record roll call was requested.

On the question "Shall amendment S-3249 be adopted?" (S.F. 499), the vote was:

Ayes, 18:

Bartz	Behn	Fiegen	Gaskill
Gronstal	Hansen	Horn	Kibbie
King	Lamberti	McCoy	McKinley
McLaren	Miller	Redwine	Schuerer
Sexton	Veenstra		

Nays, 31:

Angelo	Black	Boettger	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fink	Fraise	Freeman
Greiner	Hammond	Harper	Holveck
Iverson	Jensen	Johnson	Kramer
Lundby	Maddox	McKean	McKibben
Redfern	Rehberg	Rittmer	Shearer
Soukup	Tinsman	Zieman	

Absent or not voting, 1:

Flynn

Amendment S-3249 lost.

Senator Maddox offered amendment S-3216, filed by him on March 21, 2001, to page 4 of the bill, and moved its adoption.

Amendment S-3216 was adopted by a voice vote.

Senator Fraise offered amendment S-3204, filed by Senators Fraise and Dvorsky on March 20, 2001, to page 7 of the bill, and moved its adoption.

Amendment S-3204 was adopted by a voice vote.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 499), the vote was:

Ayes, 28:

Angelo	Behn	Boettger	Deluhery
Drake	Fiegen	Fraise	Freeman
Gaskill	Harper	Holveck	Iverson
Jensen	Johnson	Kibbie	Kramer
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rittmer	Shearer	Tinsman	Veenstra

Nays, 21:

Bartz	Black	Bolkcom	Connolly
Dearden	Dvorsky	Fink	Greiner
Gronstal	Hammond	Hansen	Horn
King	Lamberti	McCoy	McLaren
Rehberg	Schuerer	Sexton	Soukup
Zieman			

Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 499** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator McKinley asked and received unanimous consent to take up for consideration Senate Files 447, 493, and 465.

**Senate File 447**

On motion of Senator McKinley, **Senate File 447**, a bill for an act relating to the graduated driver's licensing system's requirements for full driver's licenses, was taken up for consideration.

Senator Johnson offered amendment S-3207, filed by her on March 21, 2001, to page 1 of the bill.

Senator Johnson withdrew amendment S-3207.

Senator McKinley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 447), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 3:

Harper                      Lundby                      Schuerer

Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 493

On motion of Senator Black, **Senate File 493**, a bill for an act relating to the disposition of unclaimed deer venison processed by a meat and poultry processing establishment, was taken up for consideration.

Senator Black asked and received unanimous consent that **House File 597** be **substituted** for **Senate File 493**.

### House File 597

On motion of Senator Black, **House File 597**, a bill for an act relating to the disposition of unclaimed deer venison processed by a meat and poultry processing establishment, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 597), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley

McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Black asked and received unanimous consent that **Senate File 493** be **withdrawn** from further consideration of the Senate.

### Senate File 465

On motion of Senator Sexton, **Senate File 465**, a bill for an act creating a fund for the use of the state department of transportation to purchase soydiesel fuel for use in its vehicles and providing an effective date, was taken up for consideration.

Senator Sexton offered amendment S-3238, filed by him on March 26, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3238 was adopted by a voice vote.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 465), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson

Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 447** and **465** and **House File 597** be **immediately messaged** to the House.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Holmes Foster, Superintendent of Banking

Linda Nebbe, Board of Behavioral Science Examiners

Elizabeth Shannahan, Board of Behavioral Science Examiners

Steven Kraus, Board of Chiropractic Examiners

James Halverson, City Development Board

Lois Eichacker, Commission on Community Action Agencies

Kevin Wynn, County Finance Committee

Ed Barnes, Iowa Drug Policy Advisory Council

Douglas Book, Iowa Drug Policy Advisory Council

Pamela Dettmann, Iowa Drug Policy Advisory Council

Diane Thomas, Iowa Drug Policy Advisory Council

Veronica Stalker, Board of Educational Examiners

Rebecca Burgart, Iowa Empowerment Board

Forrest Holly, Jr., Engineering and Land Surveying Examining Board

Thomas Kaldenberg, Iowa Grain Indemnity Fund Board  
(appointment)

Thomas Kaldenberg, Iowa Grain Indemnity Fund Board  
(reappointment)

Sylvia Schoer, Council on Human Services

Mary Brandsgard, Information Technology Council

Cynthia Eisenhauer, Information Technology Council

Sandra Glenn, Information Technology Council

Timothy Lapointe, Information Technology Council

Sharman Smith, Information Technology Council

Rose Vasquez, Information Technology Council

Richard Wright, Iowa Finance Authority

Quentin Boyken, IowaAccess Advisory Council

Marsha Carter, IowaAccess Advisory Council

Gail Flagel, IowaAccess Advisory Council

Jane Ginapp, IowaAccess Advisory Council

Kelly Hayworth, IowaAccess Advisory Council

Craig Hiemstra, IowaAccess Advisory Council

Carol Johnson, IowaAccess Advisory Council

Corlis Moody, IowaAccess Advisory Council

Richard Neri, IowaAccess Advisory Council

Julie Newby, IowaAccess Advisory Council

Bob Skow, IowaAccess Advisory Council

Herbert Strentz, IowaAccess Advisory Council

John Wellman, IowaAccess Advisory Council

Mark Monson, Iowa Lewis and Clark Bicentennial Commission

Kari Sliva, Iowa Lewis and Clark Bicentennial Commission

Debra Brooks, Board of Massage Therapy Examiners  
Justin Fisher, Board of Massage Therapy Examiners

Michael Byrne, Board of Medical Examiners  
Susan Johnson, Board of Medical Examiners

Richard Francisco, Natural Resource Commission

Susan Frey, State Board of Examiners for Nursing Home  
Administrators  
Judy Weller, State Board of Examiners for Nursing Home  
Administrators

Terrance Lillis, Peace Officers' Retirement, Accident, and  
Disability System Trustee

Paul Abramowitz, Board of Pharmacy Examiners

Edward Friedmann, Board of Physician Assistant Examiners

Angela Langrehr, Board of Podiatry Examiners

Cindy Hansen, Real Estate Appraiser Examining Board

Karen Andersen-Schank, Renewable Fuels and Coproducts  
Advisory Committee

Alison Doyle, Small Business Advisory Council  
Nicholas Henderson, Small Business Advisory Council

Jennifer Hoy, State Soil Conservation Committee

Courtney Kay-Decker, State Board of Tax Review

Gilda Bettis, Commission on Tobacco Use Prevention and Control  
Kermit Dahlen, Commission on Tobacco Use Prevention and  
Control

Dixie Daugherty, Commission on Tobacco Use Prevention and  
Control

Randy Meyer, Commission on Tobacco Use Prevention and Control

Frank O'Connor, Commission on Tobacco Use Prevention and Control

Paul Pomrehn, Commission on Tobacco Use Prevention and Control

Sharon Wellendorf, Commission on Tobacco Use Prevention and Control

Dianne Paca, Vice Chairperson of the Vision Iowa Board

Marvin Berenstein, Vision Iowa Board

Mary Ellen Chamberlin, Vision Iowa Board

Gregg Connell, Vision Iowa Board

Swati Dandekar, Vision Iowa Board

Sharon Juon, Vision Iowa Board

Jerry Kearns, Vision Iowa Board

Bradford Parks, Vision Iowa Board

LaMetta Wynn, Vision Iowa Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 348.

**Senate File 348**

On motion of Senator Angelo, **Senate File 348**, a bill for an act relating to the establishment of Iowa charter schools, was taken up for consideration.

(Action on Senate File 348 was deferred.)

The Senate stood at ease at 10:39 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:21 a.m., Senator Veenstra presiding.

RECESS

On motion of Senator McKean, the Senate recessed at 11:22 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:03 p.m., President Pro Tempore McKean presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 27, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 635**, a bill for an act providing that certain employees are not entitled to compensation for time spent traveling to and from the worksite.

Read first time and referred to committee on **Business and Labor Relations**.

**House File 655**, a bill for an act relating to the establishment of a system of oversight for adult day services.

Read first time and referred to committee on **Human Resources**.

#### QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent, and a quorum present.

#### UNFINISHED BUSINESS (Deferred March 26, 2001)

#### Senate File 84

The Senate resumed consideration of **Senate File 84**, a bill for an act prohibiting the sale or distribution of purple loosestrife, and division S-3232B, deferred March 26, 2001.

Senator Greiner moved the adoption of division S-3232B.

Division S-3232B lost by a voice vote.

Senator Greiner withdrew amendment S-3200, filed by her on March 20, 2001, to page 1 and to the title page of the bill.

Senator Johnson offered amendment S-3242, filed by Senator Johnson, et al., on March 26, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3242 was adopted by a voice vote.

Senator Greiner offered amendment S-3243, filed by her on March 26, 2001, to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 25, nays 19.

Amendment S-3243 was adopted.

Senator Johnson 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. 84), the vote was:

Ayes, 35:

Angelo	Bartz	Behn	Boettger
Connolly	Drake	Fiegen	Fink
Fraise	Freeman	Gaskill	Hansen
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Maddox	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 14:

Black	Bolkcom	Dearden	Deluhery
Dvorsky	Greiner	Gronstal	Hammond
Harper	Holveck	Lundby	McCoy
Shearer	Soukup		

Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 463 and House File 324.

### Senate File 463

On motion of Senator Sexton, **Senate File 463**, a bill for an act relating to the regulation of games of skill or chance, subjecting violators to criminal and civil penalties, and appropriating certain penalties to the department of inspections and appeals, was taken up for consideration.

Senator Deluhery offered amendment S-3227, filed by Senators Deluhery and Sexton on March 22, 2001, to pages 1-4 of the bill, and moved its adoption.

Amendment S-3227 was adopted by a voice vote.

Senator McCoy asked and received unanimous consent that action on **Senate File 463** be **deferred**.

### House File 324

On motion of Senator Drake, **House File 324**, a bill for an act relating to transportation, including provisions on road projects, vehicle sales, movement, and reports, and mailing of notices, and providing a penalty and an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 2:42 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:45 p.m., President Kramer presiding.

Senator Drake offered amendment S-3221, filed by the committee on Transportation on March 21, 2001, to pages 6 and 7 of the bill.

Senator Drake offered amendment S-3244, filed by Senators Drake and Kibbie on March 26, 2001, to page 1 of amendment S-3221, and moved its adoption.

Amendment S-3244 was adopted by a voice vote.

The Senate resumed consideration of amendment S-3221, as amended.

Senator King called for the following division of amendment S-3221, as amended:

Division S-3221A: Line 3; and  
 Division S-3221B: Lines 4-29.

Senator Drake moved the adoption of division S-3221B, as amended, which motion prevailed by a voice vote.

Senator Drake moved the adoption of division S-3221A.

A record roll call was requested.

On the question "Shall division S-3221A be adopted?" (H.F. 324), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 2:

Dearden	McKinley
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Present, 1:

King

Absent or not voting, 2:

Flynn	McCoy
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Division S-3221A was adopted.

Senator Gronstal offered amendment S-3261, filed by Senators Gronstal and Iverson from the floor to pages 18, 24, and to the title page of the bill, and moved its adoption.

Amendment S-3261 was adopted by a voice vote.

Senator King offered amendment S-3263, filed by him from the floor to page 23 of the bill.

Senator Gronstal raised the point of order that amendment S-3263 was not germane to the bill.

The Chair ruled the point not well-taken and the amendment S-3263 in order.

Senator Connolly raised the point of order that amendment S-3263 was out of order.

The Chair ruled the point not well-taken and the amendment S-3263 in order.

Senator Gronstal asked and received unanimous consent that action on amendment S-3263 and **House File 324** be **deferred**.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 473.

#### **Senate File 473**

On motion of Senator Johnson, **Senate File 473**, a bill for an act relating to the regulation of securities, by defining the terms “agent” and “security”, providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements, was taken up for consideration.

Senator Fiegen asked and received unanimous consent that action on **Senate File 473** be **deferred**.

### BUSINESS PENDING

#### **Senate File 463**

The Senate resumed consideration of **Senate File 463**, a bill for an act relating to the regulation of games of skill or chance, subjecting violators to criminal and civil penalties, and appropriating certain penalties to the department of inspections and appeals, previously deferred.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 463), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKibben
McKinley	McLaren	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 4:

Drake	Holveck	McKean	Redwine
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Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## BUSINESS PENDING

**Senate File 348**

The Senate resumed consideration of **Senate File 348**, a bill for an act relating to the establishment of Iowa charter schools, previously deferred.

Senator Angelo withdrew amendment S-3237, filed by him on March 26, 2001, to pages 2-5, 7, and 13-15 of the bill.

Senator Angelo offered amendment S-3247, filed by him from the floor to pages 2, 3, 5, 7, 14, and 15 of the bill, and moved its adoption.

Amendment S-3247 was adopted by a voice vote.

With the adoption of amendment S-3247, the Chair ruled amendment S-3181, filed by Senator Angelo on March 14, 2001, to pages 3, 4, 7, 13, and 15 of the bill, out of order.

Senator Connolly offered amendment S-3262, filed by him from the floor to pages 5 and 16 and to the title page of the bill, and moved its adoption.

Amendment S-3262 was adopted by a voice vote.

Senator Fink offered amendment S-3235, filed by him on March 26, 2001, to pages 7 and 8 of the bill.

Senator Angelo called for the following division of amendment S-3235:

Division S-3235A: Lines 2-8; and  
Division S-3235B: Lines 9-14.

Senator Angelo asked and received unanimous consent that action on division S-3235A be deferred.

Senator Fink moved the adoption of division S-3235B, which motion prevailed by a voice vote.

The Senate resumed consideration of division S-3235A, previously deferred.

Senator Fink moved the adoption of division S-3235A.

A record roll call was requested.

On the question "Shall division S-3235A be adopted?" (S.F. 348), the vote was:

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	McLaren	Rittmer
Shearer	Soukup	Tinsman	

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Veenstra	Zieman		

Absent or not voting, 1:

Flynn

Division S-3235A lost.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 348), the vote was:

Ayes, 33:

Angelo	Bartz	Behn	Boettger
Connolly	Deluhery	Drake	Fiegen
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean

McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 16:

Black	Bolkcom	Dearden	Dvorsky
Fink	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dearden and McCoy, until they return, on request of Senator Gronstal.

### BUSINESS PENDING

### Senate File 473

The Senate resumed consideration of **Senate File 473**, a bill for an act relating to the regulation of securities, by defining the terms “agent” and “security”, providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements, previously deferred.

Senator Johnson 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. 473), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden	Flynn	McCoy
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Pro Tempore McKean took the chair at 5:45 p.m.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 277.

#### **Senate File 277**

On motion of Senator McLaren, **Senate File 277**, a bill for an act relating to the financial operations and transactions of the information technology department, was taken up for consideration.

Senator McLaren asked and received unanimous consent that **House File 292** be **substituted** for **Senate File 277**.

## House File 292

On motion of Senator McLaren, **House File 292**, a bill for an act relating to the financial operations and transactions of the information technology department, was taken up for consideration.

Senator McLaren offered amendment S-3266, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3266 was adopted by a voice vote.

Senator McLaren 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. 292), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden	Flynn	McCoy
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator McLaren asked and received unanimous consent that **Senate File 277** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 84, 348, 463, and 473** and **House File 292** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 480.

**Senate File 480**

On motion of Senator Redfern, **Senate File 480**, a bill for an act directing the department of education to establish a task force to conduct a comprehensive review of the licensing of community college faculty, was taken up for consideration.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 480), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 1:

Harper

Absent or not voting, 3:

Dearden

Flynn

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, until she returns, on request of Senator Freeman.

### BUSINESS PENDING

### House File 324

The Senate resumed consideration of **House File 324**, a bill for an act relating to transportation, including provisions on road projects, vehicle sales, movement, and reports, and mailing of notices, and providing a penalty and an effective date, and amendment S-3263, previously deferred.

Senator King moved the adoption of amendment S-3263.

A record roll call was requested.

On the question "Shall amendment S-3263 be adopted?" (H.F. 324), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Angelo

Behn

Boettger

Freeman

Greiner

Jensen

Johnson

King

Lamberti

McKean

McKibben

McKinley

Miller

Redwine

Rehberg

Schuerer

Sexton

Veenstra

Zieman

Nays, 29:

Bartz

Black

Bolkcom

Connolly

Dearden

Deluhery

Drake

Dvorsky

Fiegen	Fink	Fraise	Gaskill
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Kibbie
Lundby	Maddox	McCoy	McLaren
Redfern	Rittmer	Shearer	Soukup
Tinsman			

Absent or not voting, 2:

Flynn                      Kramer

Amendment S-3263 lost.

Senator Shearer offered amendment S-3264, filed by him from the floor to page 23 of the bill.

Senator Shearer withdrew amendment S-3264.

Senator Dearden asked and received unanimous consent that action on **House File 324** be **deferred**.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 480** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 437, 474, and 436.

#### **Senate File 437**

On motion of Senator Freeman, **Senate File 437**, a bill for an act relating to the registration and titling of all-terrain vehicles and snowmobiles, and subjecting violators to a penalty, with report of committee without recommendation, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 437), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kramer took the chair at 6:48 p.m.

## Senate File 474

On motion of Senator Tinsman, **Senate File 474**, a bill for an act requiring E911 surcharges remitted by a provider to be reported in a standard format and providing that the reported information be used only to provide E911 service, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 474), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen

Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### **Senate File 436**

On motion of Senator Behn, **Senate File 436**, a bill for an act providing for agricultural liens, was taken up for consideration.

Senator Behn asked and received unanimous consent that **House File 549** be **substituted** for **Senate File 436**.

### **House File 549**

On motion of Senator Behn, **House File 549**, a bill for an act providing for agricultural liens, was taken up for consideration.

Senator Fiegen asked and received unanimous consent that action on **House File 549** be **deferred**.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 487 and 391.

## Senate File 487

On motion of Senator McKean, **Senate File 487**, a bill for an act creating alternative criminal sentences, was taken up for consideration.

Senator McKean offered amendment S-3268, filed by Senators McKean and Maddox from the floor to page 2 of the bill, and moved its adoption.

Amendment S-3268 was adopted by a voice vote.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 487), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

**Senate File 391**

On motion of Senator Maddox, **Senate File 391**, a bill for an act excepting certain acts constituting a simple assault from the criminal offense of robbery, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 391), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Flynn                      McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 391, 437, 474, and 487** be **immediately messaged** to the House.

## BUSINESS PENDING

**House File 549**

The Senate resumed consideration of **House File 549**, a bill for an act providing for agricultural liens, previously deferred.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 549), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Flynn                      McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Behn asked and received unanimous consent that **Senate File 436** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS  
(Deferred March 26, 2001)**Senate File 346**

The Senate resumed consideration of **Senate File 346**, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, deferred March 26, 2001.

Senator Holveck offered amendment S-3269, filed by Senators Holveck and Hammond from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3269 lost by a voice vote.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 346), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer

Schuerer  
Tinsman

Sexton  
Veenstra

Shearer  
Zieman

Soukup

Nays, 1:

Holveck

Absent or not voting, 2:

Flynn

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 346** and **House File 549** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 342.

#### **Senate File 342**

On motion of Senator King, **Senate File 342**, a bill for an act requiring voters to present identification containing a photograph to poll workers prior to voting, was taken up for consideration.

Senator Hansen offered amendment S-3193, filed by him on March 20, 2001, to page 1 and to the title page of the bill.

Senator Hansen withdrew amendment S-3193.

Senator Hansen withdrew amendment S-3194, filed by him on March 20, 2001, to page 1 and to the title page of the bill.

Senator Dvorsky offered amendment S-3197, filed by him on March 20, 2001, to page 1 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3197 be adopted?" (S.F. 342), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 11:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fraise	Hammond	Harper
Holveck	Horn	Kibbie	

Nays, 38:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fiegen	Fink
Flynn	Freeman	Gaskill	Greiner
Gronstal	Hansen	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

McCoy

Amendment S-3197 lost.

Senator Bolkcom offered amendment S-3256, filed by him from the floor to page 1 and to the title page of the bill.

Senator King raised the point of order that amendment S-3256 was not germane to the bill.

The Chair ruled the point well-taken and the amendment S-3256 out of order.

Senator Hansen offered amendment S-3191, filed by him on March 20, 2001, to page 1 and to the title page of the bill.

Senator Hansen withdrew amendment S-3191.

Senator Hansen offered amendment S-3192, filed by him on March 20, 2001, to page 1 and to the title page of the bill.

Senator King raised the point of order that amendment S-3192 was not germane to the bill.

The Chair ruled the point well-taken and the amendment S-3192 out of order.

Senator Fink offered amendment S-3203, filed by him on March 20, 2001, to page 1 and to the title page of the bill.

Senator King raised the point of order that amendment S-3203 was not germane to the bill.

The Chair ruled the point well-taken and the amendment S-3203 out of order.

The Senate stood at ease at 8:16 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 8:30 p.m., President Kramer presiding.

Senator Bolckcom withdrew amendment S-3253, filed by him from the floor to page 1 and to the title page of the bill.

Senator Bolckcom withdrew amendment S-3254, filed by him from the floor to page 1 and to the title page of the bill.

Senator Bolckcom offered amendment S-3255, filed by him from the floor, to page 1 and to the title page of the bill.

Senator King raised the point of order that amendment S-3255 was not germane to the bill.

The Chair ruled the point well-taken and the amendment S-3255 out of order.

Senator Bolkcom offered amendment S-3257, filed by him from the floor to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment S-3257.

Senator Gronstal withdrew amendment S-3270, filed by him from the floor to page 1 and to the title page of the bill.

Senator Hansen offered amendment S-3272, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3272 be adopted?" (S.F. 342), the vote was:

Ayes, 24:

Angelo	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
Rittmer	Shearer	Soukup	Tinsman

Nays, 26:

Bartz	Behn	Boettger	Drake
Gaskill	Greiner	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Veenstra	Zieman		

Absent or not voting, none.

Amendment S-3272 lost.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 342), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Schuerer
Sexton	Veenstra	Zieman	

Nays, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Rittmer
Shearer	Soukup	Tinsman	

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 342** be **immediately messaged** to the House.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden, for the remainder of the day, on request of Senator Gronstal.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 355.

## Senate File 355

On motion of Senator Boettger, **Senate File 355**, a bill for an act providing for the transfer of custody and termination of parental rights for a newborn infant whose parent voluntarily surrenders physical custody at certain health facilities and providing for immunity from prosecution for child abandonment crimes for such parent, establishing confidentiality protections and a penalty, and providing an effective date, was taken up for consideration.

Senator Boettger withdrew amendment S-3251, filed by her from the floor striking everything after the enacting clause and to the title page of the bill.

Senator Boettger offered amendment S-3271, filed by her from the floor striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-3271 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 355), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Dearden

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 355** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS (Deferred March 20, 2001)

#### **Senate File 341**

The Senate resumed consideration of **Senate File 341**, a bill for an act making modifications to certain transportation-related fines, penalties, and salvage theft examination fees and registration fees for vehicles nine model years old or older, and providing an effective date, deferred March 20, 2001.

Senator McCoy offered amendment S-3201, filed by Senator McCoy, et al., on March 20, 2001, to pages 1, 2, and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 26, nays 23.

Amendment S-3201 was adopted.

Senator Rittmer withdrew amendment S-3267, filed by him from the floor to page 4 and to the title page of the bill.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Iverson, until he returns, on request of Senator Bartz.

## BUSINESS PENDING

**Senate File 341**

The Senate resumed consideration of Senate File 341.

Senator Rittmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 341), the vote was:

Ayes, 27:

Angelo	Behn	Bolkcom	Connolly
Drake	Dvorsky	Fink	Fraise
Freeman	Gaskill	Gronstal	Hammond
Harper	Holveck	Jensen	Johnson
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKibben	McKinley
Redfern	Rittmer	Veenstra	

Nays, 21:

Bartz	Black	Boettger	Deluhery
Fiegen	Flynn	Greiner	Hansen
Horn	Lamberti	McKean	McLaren
Miller	Redwine	Rehberg	Schuerer
Sexton	Shearer	Soukup	Tinsman
Zieman			

Absent or not voting, 2:

Dearden	Iverson
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 341** be **immediately messaged** to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 27, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 66**, a bill for an act relating to state general fund expenditure limitation requirements for transmission of the state budget by the governor and passage of the state budget by the general assembly.

**Senate File 146**, a bill for an act relating to the tobacco master settlement agreement and providing an effective date.

**Senate File 509**, a bill for an act making a supplemental appropriation to the state department of transportation from the primary road fund for the purchase of salt and including an effective date.

ALSO: That the House has on March 27, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 304**, a bill for an act relating to elections and voter qualifications and voter registration and concerning election misconduct and criminal penalties, voter registration deadlines and voter registration by mail, written summaries of proposed constitutional amendments or of certain other public measures, election polling hours, receiving, handling, and delivering absentee ballots, and the election of directors of local school districts, area education agencies, and merged areas, and including effective date and applicability date provisions.

Read first time and referred to committee on **State Government**.

**House File 566**, a bill for an act relating to the terms “registered voter”, “eligible elector”, and “qualified voter” for purposes of elections, voter registration, statutory petition requirements, absentee voting by armed forces, and drainage district elections.

Read first time and referred to committee on **State Government**.

**House File 680**, a bill for an act relating to child and dependent abuse reporting and civil remedies pertaining to such reporting.

Read first time and referred to committee on **Human Resources**.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:00 p.m. until 9:00 a.m. Wednesday, March 28, 2001.

**APPENDIX**

**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

March 27, 2001

**IOWA LAW ENFORCEMENT ACADEMY**

Fiscal Year 2000 Annual Report.

**GOVERNOR’S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**JUDICIARY**

Maria Waterman – Iowa State Civil Rights Commission

Suellen Overton – Board of Corrections

Donald Tietz – Board of Corrections

**WAYS AND MEANS**

Roger Caudron – Iowa Finance Authority

Richard Wright – Iowa Finance Authority

Courtney Kay-Decker – State Board of Tax Review

**REPORTS OF COMMITTEE MEETINGS**

**JUDICIARY**

**Convened:** March 27, 2001, 1:05 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, Lamberti, Miller, and Tinsman.

**Members Absent:** King and McKean (both excused).

**Committee Business:** Passed HF 458. Approved Governor’s appointees.

**Adjourned:** 1:20 p.m.

## WAYS AND MEANS

**Convened:** March 27, 2001, 11:35 a.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** Flynn (excused).

**Committee Business:** Passed SFs 226 (as amended) and 335. Approved Governor's appointees.

**Adjourned:** 12:46 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 19**, by Kibbie, a concurrent resolution urging the Congress of the United States and the United States Department of Agriculture to provide increased federal moneys for purposes of supporting enhanced surveillance expenses as part of a pseudorabies eradication program.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Concurrent Resolution 20**, by Kibbie, a concurrent resolution requesting that the President of the United States, the United States Congress, and the United States Department of Agriculture reconsider and revise proposed rule exceptions to the Livestock Mandatory Reporting Act of 1999.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 29**, by King, a Senate resolution relating to a nonsubstantive redrafting of Iowa's campaign finance laws.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILL RECEIVED

**SSB 1256      Ways and Means**

Providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date.

SUBCOMMITTEE ASSIGNMENTS

**Senate File 489**

WAYS AND MEANS: Greiner, Chair; Holveck and Miller

**Senate File 510**

WAYS AND MEANS: Greiner, Chair; Harper and Miller

**Senate File 513**

WAYS AND MEANS: Connolly, Chair; Drake and Maddox

**House File 272**

JUDICIARY: Angelo, Chair; Holveck and Tinsman

**House File 384**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Fiegen, Chair; Behn, and Shearer

**House File 400**

COMMERCE: Freeman, Chair; Hansen and Maddox

**House File 535**

LOCAL GOVERNMENT: McKibben, Chair; Johnson and McCoy

**House File 567**

HUMAN RESOURCES: Behn, Chair; Hammond and Schuerer

**House File 590**

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Redwine

**House File 608**

COMMERCE: Maddox, Chair; Deluhery and Johnson

**House File 628**

AGRICULTURE: Bartz, Chair; Black and Gaskill

**House File 636**

NATURAL RESOURCES AND ENVIRONMENT: Fink, Chair; Lundby and Sexton

**House File 678**

JUDICIARY: Maddox, Chair; Fiegen and Lamberti

**SSB 1256**

WAYS AND MEANS: Harper, Chair; Maddox and Rehberg

**COMMITTEE REPORTS****JUDICIARY**

**Final Bill Action:** HOUSE FILE 458, a bill for an act extending the statute of limitations period for filing a criminal charge of incest.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, Lamberti, Miller, and Tinsman. Nays, none. Absent or not voting, 2: King and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 335, a bill for an act relating to species of animals by classifying certain species as livestock and providing exemptions from the sales and use tax for feed used to support the species.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Flynn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**EXPLANATION OF VOTES**

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 27, 2001, when the votes were taken on Senate Files 84, 346, 348, 391, 433, 437, 447, 463, 465, 473, 474, 480, 487, and 499; House Files 89, 292, 549, and 597; and the En Bloc Calendar. Had I been present, I would have voted "Aye" on all.

TOM FLYNN

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 341, the following correction was made:

1. Page 3, line 23, the words and numbers "Sections 2 and 3" were changed to the words and numbers "Sections 1 and 2".

MICHAEL E. MARSHALL  
Secretary of the Senate

### AMENDMENTS FILED

S-3247	S.F.	348	Jeff Angelo
S-3248	S.F.	491	Betty A. Soukup
			Mark Shearer
			Eugene S. Fraise
			John P. Kibbie
			Thomas Fiegen
S-3249	S.F.	499	Merlin E. Bartz
			Kenneth Veenstra
			Jeff Lamberti
			John Redwine
			Derryl McLaren
			Steve King
			Mike Sexton
			Jerry Behn
			John P. Kibbie
			Wally E. Horn
			E. Thurman Gaskill
			Neal Schuerer
			Steven D. Hansen
			Mary Lou Freeman
S-3250	S.F.	375	Sheldon Rittmer
			Patrick J. Deluhery
S-3251	S.F.	355	Nancy Boettger
S-3252	S.F.	289	Maggie Tinsman
S-3253	S.F.	342	Joe Bolkcom
S-3254	S.F.	342	Joe Bolkcom
S-3255	S.F.	342	Joe Bolkcom
S-3256	S.F.	342	Joe Bolkcom
S-3257	S.F.	342	Joe Bolkcom
S-3258	S.F.	497	John P. Kibbie

			Richard F. Drake
			Mary Lou Freeman
			Sheldon Rittmer
S-3259	S.F.	503	Mike Sexton
S-3260	S.F.	485	Jeff Lamberti
S-3261	H.F.	324	Michael E. Gronstal
			Stewart Iverson, Jr.
S-3262	S.F.	348	Mike Connolly
S-3263	H.F.	324	Steve King
S-3264	H.F.	324	Mark Shearer
S-3265	H.F.	458	Nancy Boettger
S-3266	H.F.	292	Derryl McLaren
S-3267	S.F.	341	Sheldon Rittmer
S-3268	S.F.	487	Andy McKean
			O. Gene Maddox
S-3269	S.F.	346	Jack Holveck
			Johnie Hammond
S-3270	S.F.	342	Michael E. Gronstal
S-3271	S.F.	355	Nancy Boettger
S-3272	S.F.	342	Steven D. Hansen

# JOURNAL OF THE SENATE

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EIGHTIETH CALENDAR DAY  
FORTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 28, 2001

The Senate met in regular session at 9:05 a.m., President Kramer presiding.

Prayer was offered by the Reverend Ray A. Holmquist, pastor of St. Mark Lutheran Church in Storm Lake, Iowa, guest of Senator Freeman.

The Journal of Tuesday, March 27, 2001, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben, until he arrives, on request of Senator Iverson.

## BILL RE-REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 71** be re-referred from the Regular Calendar to the committee on **Ways and Means**.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:15 a.m. until 5:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Rusty Donnelly, Independence — For receiving the WaMaC all-academic award. Senator Rehberg (03/28/01).

Independence High School All-State Jazz Band, Independence — For being selected to the All-State Jazz Band. Senator Rehberg (03/28/01).

Mercy Hospital of Franciscan Sisters, Oelwein — For 75 years of dedicated service to the community of Oelwein. Senator Rehberg (03/28/01).

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** March 28, 2001, 3:06 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Shearer, Soukup, and Veenstra.

**Members Absent:** Black, Sexton, and Zieman (all excused).

**Committee Business:** Passed HF's 581 (as amended) and 628.

**Adjourned:** 4:06 p.m.

#### COMMERCE

**Convened:** March 28, 2001, 3:05 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine.

**Members Absent:** None.

**Committee Business:** Passed HF's 271 and 569. Approved Governor's appointees.

**Adjourned:** 3:20 p.m.

#### EDUCATION

**Convened:** March 28, 2001, 10:08 a.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** Kramer (excused).

**Committee Business:** Passed HF 270. Approved Governor's appointees.

**Adjourned:** 10:29 a.m.

## HUMAN RESOURCES

**Convened:** March 28, 2001, 10:40 a.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra.

**Members Absent:** None.

**Committee Business:** Passed HFs 178, 310, 341 (as amended), and 560. Approved Governor's appointees.

**Adjourned:** 11:30 a.m.

## LOCAL GOVERNMENT

**Convened:** March 28, 2001, 2:05 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Gaskill, Johnson, McKibben, and Schuerer.

**Members Absent:** Horn, McCoy, and Zieman (all excused).

**Committee Business:** Passed HF 301. Approved Governor's appointee.

**Adjourned:** 2:13 p.m.

## SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** March 28, 2001, 1:08 p.m.

**Members Present:** Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, Lamberti, McKinley, and Veenstra.

**Members Absent:** None.

**Committee Business:** Passed HF 383. Approved Governor's appointees.

**Adjourned:** 1:15 p.m.

**STATE GOVERNMENT**

**Convened:** March 28, 2001, 2:08 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, and Rittmer.

**Members Absent:** Sexton (excused).

**Committee Business:** Passed HF's 225 and 451.

**Adjourned:** 2:35 p.m.

**INTRODUCTION OF RESOLUTION**

**Senate Concurrent Resolution 21**, by King, McKinley, Behn, Veenstra, Rittmer, Jensen, Drake, Zieman, Rehberg, Angelo, Johnson, Lamberti, Freeman, McKean, Miller, McKibben, Sexton, Gaskill, Redwine, Schuerer, Iverson, Kramer, McLaren, Boettger, Maddox, and Kibbie, a concurrent resolution to call upon the President and the Congress of the United States to intervene on behalf of the cattle industry in Iowa prior to the United States Environmental Protection Agency's implementation of the agency's interpretation of the 1972 Clean Water Act.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**INTRODUCTION OF BILL**

**Senate File 514**, by committee on Ways and Means, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 139**

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

**Senate File 379**

APPROPRIATIONS: Kramer, Chair; Connolly and Lamberti

**Senate File 457**

APPROPRIATIONS: Lamberti, Chair; Connolly and Lundby

**House File 575**

EDUCATION: Redwine, Chair; Connolly and Rehberg

**House File 635**

BUSINESS AND LABOR RELATIONS: King, Chair; Dearden and Schuerer

**House File 637**

EDUCATION: Rehberg, Chair; Dvorsky and McKinley

**House File 643**

EDUCATION: Boettger, Chair; Dvorsky and Veenstra

**House File 655**

HUMAN RESOURCES: Veenstra, Chair; Boettger and Harper

**House File 669**

EDUCATION: Redfern, Chair; Harper and Veenstra

**House File 674**

EDUCATION: Redwine, Chair; Rehberg and Soukup

**House File 680**

HUMAN RESOURCES: Tinsman, Chair; Harper and Miller

**COMMITTEE REPORTS**

**EDUCATION**

**Final Bill Action:** HOUSE FILE 270, a bill for an act striking certain filing requirements related to campus crime statistics and sexual abuse policies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, McKinley, Redfern, Redwine, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 3: Harper, Kramer, and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** HOUSE FILE 383, a bill for an act relating to the designation of model communities in projects, pilot projects, or similar initiatives undertaken by the governor or the executive branch.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Rehberg, Ziemann, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Holveck, Lamberti, McKinley, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### **WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 514 (formerly SF 226), a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: McKibben, McKinley, Bolcom, Deluhery, Drake, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 3: Harper, Connolly, and Holveck. Absent or not voting, 1: Flynn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## **BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28th day of March, 2001:

Senate Files 146 and 509.

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on March 28, 2001, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 276 – Relating to the licensure of persons acting as insurance producers, providing an effective date, and applying penalties.

**GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

**COMMERCE**

Allan Thoms – Chair of Utilities Board

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**COMMERCE**

James E. Forney – Superintendent of Credit Unions

Becky Hansen – Credit Union Review Board  
Diane Kollasch – Credit Union Review Board

Mark Schouten – Iowa Telecommunications and Technology Commission

Berneil Preul – Title Guaranty Division Board  
Lynn Smith – Title Guaranty Division Board

Allan Thoms – Utilities Board

**EDUCATION**

Hector Ibarra – Board of Educational Examiners

Amir Arbisser – State Board of Regents  
Sue Nieland – State Board of Regents

Clark Yeager – School Budget Review Committee

**LOCAL GOVERNMENT**

Nate Parker – Iowa Lewis and Clark Bicentennial Commission

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

Usha Balakrishnan – Iowa Economic Development Board

Nicholas Henderson – Small Business Advisory Council

Douglas LaBounty – Small Business Advisory Council

## AFTERNOON SESSION

The Senate reconvened at 5:06 p.m., Senator Angelo presiding.

## QUORUM CALL

Senator Jensen requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 28, 2001, **adopted** the following resolutions in which the concurrence of the Senate is asked:

**House Concurrent Resolution 13**, a concurrent resolution relating to a biennial memorial session.

Read first time and referred to committee on **Rules and Administration**.

**House Concurrent Resolution 14**, a concurrent resolution relating to Pioneer Lawmakers.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on March 28, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 519**, a bill for an act relating to the qualifications and duties of the clerk of court.

Read first time and **passed on file**.

**House File 598**, a bill for an act establishing a child protection center grant program.

Read first time and referred to committee on **Human Resources**.

**House File 629**, a bill for an act providing for a weed-free certification program for forage or mulch, and establishing fees.

Read first time and referred to committee on **Agriculture**.

**House File 662**, a bill for an act relating to Iowa's community empowerment initiative and providing an effective date.

Read first time and referred to committee on **Human Resources**.

**House File 681**, a bill for an act requiring the pledging of collateral in relation to the deposit of uninsured public funds, making related changes, making penalties applicable, and providing for applicability.

Read first time and referred to committee on **Commerce**.

**House File 692**, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty.

Read first time and referred to committee on **State Government**.

**House File 697**, a bill for an act relating to an Iowa new economy council.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

The Senate stood at ease at 5:11 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:27 p.m., President Kramer presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Ziemann, until he arrives, on request of Senator Iverson; and Senator Flynn, until he arrives, on request of Senator Hansen.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 486 and 485.

**Senate File 486**

On motion of Senator Angelo, **Senate File 486**, a bill for an act relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 486), the vote was:

Ayes, 41:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Deluhery	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKinley	McLaren	Redfern	Redwine
Rittmer	Shearer	Soukup	Tinsman
Veenstra			

Nays, 7:

Bolkcom	Dearden	McKibben	Miller
Rehberg	Schuerer	Sexton	

Absent or not voting, 2:

Flynn                      Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 485

On motion of Senator Lamberti, **Senate File 485**, a bill for an act relating to jurisdiction in criminal forfeiture proceedings, was taken up for consideration.

Senator Lamberti offered amendment S-3260, filed by him on March 27, 2001, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-3260 was adopted by a voice vote.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 485), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra

Nays, none.

Absent or not voting, 2:

Flynn                      Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS  
(Deferred March 27, 2001)

**House File 324**

The Senate resumed consideration of **House File 324**, a bill for an act relating to transportation, including provisions on road projects, vehicle sales, movement, and reports, and mailing of notices, and providing a penalty and an effective date, deferred March 27, 2001.

Senator Drake filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3221 to House File 324 was adopted by the Senate on March 27, 2001.

The motion prevailed by a voice vote and amendment S-3221, by the committee on Transportation to pages 6 and 7 of the bill, was taken up for reconsideration.

Senator Drake filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3244 to amendment S-3221 to House File 324 was adopted by the Senate on March 27, 2001.

The motion prevailed by a voice vote and amendment S-3244, by Senators Drake and Kibbie to page 1 of amendment S-3221, was taken up for reconsideration.

Senator Drake offered amendment S-3275, filed by Senator Drake, et al., from the floor to pages 2-7 of the bill, and moved its adoption.

Amendment S-3275 was adopted by a voice vote.

With the adoption of amendment S-3275, the Chair ruled amendment S-3244 to amendment S-3221 and amendment S-3221 out of order.

Senator Shearer asked and received unanimous consent to withdraw amendment S-3276, filed by him from the floor to page 23 of the bill.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 324), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 313, 429, and 335.

#### **Senate File 313**

On motion of Senator McKibben, **Senate File 313**, a bill for an act relating to removal of county board of supervisor appointees, with

report of committee recommending passage, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 313), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## Senate File 429

On motion of Senator King, **Senate File 429**, a bill for an act relating to price regulation for local exchange carriers, by changing certain definitions related to price regulation, permitting certain rate increases, requiring certain network infrastructure investments, and making related changes, with report of committee without recommendation, was taken up for consideration.

Senator Bolkcom asked and received unanimous consent that action on **Senate File 429** be **deferred**.

### Senate File 335

On motion of Senator Greiner, **Senate File 335**, a bill for an act relating to species of animals by classifying certain species as livestock and providing exemptions from the sales and use tax for feed used to support the species, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Fraise asked unanimous consent that action on **Senate File 335** be **deferred**.

Senator Fraise withdrew his request to defer.

Senator Greiner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 335), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 313, 335, 485, and 486** and **House File 324** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 500 and 505.

**Senate File 500**

On motion of Senator Redfern, **Senate File 500**, a bill for an act relating to insurance, by addressing the operation and regulation of insurance companies, mutual insurance associations, the Iowa insurance guaranty association, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner; by establishing jurisdiction and venue requirements for actions against the Iowa insurance guaranty association; and providing penalties, repeals, and effective dates, was taken up for consideration.

Senator Redfern offered amendment S-3274, filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment S-3274 was adopted by a voice vote.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 500), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn

Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra			

Nays, none.

Absent or not voting, 1:

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 505

On motion of Senator Tinsman, **Senate File 505**, a bill for an act requiring establishment of community review committees and county child protection assistance teams, was taken up for consideration.

Senator Tinsman offered amendment S-3273, filed by Senator Tinsman, et al., from the floor to pages 1, 2, and 4 of the bill, and moved its adoption.

Amendment S-3273 was adopted by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 505), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern

Redwine  
Shearer

Rehberg  
Soukup

Rittmer  
Tinsman

Sexton  
Veenstra

Nays, 1:

Schuerer

Absent or not voting, 1:

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 500** and **505** be **immediately messaged** to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 28, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 583**, a bill for an act relating to the certification of persons providing water pump services.

Read first time and referred to committee on **Natural Resources and Environment**.

**House File 624**, a bill for an act relating to the appointment and dismissal of a police chief or marshal under a mayor-council form of city government.

Read first time and referred to committee on **Local Government**.

**House File 656**, a bill for an act relating to the licensing and regulation of manufactured or mobile homes and providing coordinating amendments.

Read first time and attached to **companion Senate File 478**.

**House File 686**, a bill for an act relating to provision of notice prior to the provision of products or services by state agencies or political subdivisions.

Read first time and referred to committee on **State Government**.

**House File 694**, a bill for an act relating to housing by creating a housing trust fund and a housing trust commission.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

**House File 695**, a bill for an act relating to the school-to-career program.

Read first time and referred to committee on **Education**.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:32 p.m. until 9:00 a.m. Thursday, March 29, 2001.

## APPENDIX

### COMPANION BILL RECEIVED

On March 28, 2001, **House File 656** was received and attached to companion **Senate File 478** on the Senate calendar.

### REPORT OF COMMITTEE MEETING

#### JUDICIARY

**Convened:** March 28, 2001, 4:05 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

**Members Absent:** Boettger (excused).

**Committee Business:** Passed HF's 272 and 550. Approved Governor's appointees.

**Adjourned:** 4:55 p.m.

### COMMITTEE REPORTS

#### AGRICULTURE

**Final Bill Action:** HOUSE FILE 628, a bill for an act relating to the regulation of grain dealers by providing an exception for limited liability companies that produce renewable fuel.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: McLaren, Behn, Angelo, Bartz, Gaskill, Greiner, Kibbie, Shearer, Soukup, and Veenstra. Nays, 2: Fraise and Fiegen. Absent or not voting, 3: Black, Sexton, and Ziemann.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### COMMERCE

**Final Bill Action:** HOUSE FILE 271, a bill for an act adding specified document preparation and modification to the list of acts defining the activities of a real estate broker.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 569, a bill for an act relating to the proposed uniform computer information transactions Act.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### HUMAN RESOURCES

**Final Bill Action:** HOUSE FILE 178, a bill for an act applying child in need of assistance and child abuse provisions to a child whose parent or guardian or the person responsible for the child's care has manufactured or possessed a dangerous substance in a child's presence.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 310, a bill for an act relating to child support enforcement, including disclosure of certain juvenile court records to the child support recovery unit, waiting periods for administrative review and adjustment of orders, and federal tax and nontax setoff payments for accrued support, and providing effective dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 341, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Redwine, Bartz, Behn, Boettger, Miller, Schuerer, and Veenstra. Nays, 6: Tinsman, Hammond, Dvorsky, Harper, Holveck, and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## JUDICIARY

**Final Bill Action:** HOUSE FILE 272, a bill for an act relating to felonious misconduct by a public officer or employee and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Boettger.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 550, a bill for an act adding the offense of criminal transmission of human immunodeficiency virus to the list of criminal offenses that require registration under the sex offender registry and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 1: Boettger.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## LOCAL GOVERNMENT

**Final Bill Action:** HOUSE FILE 301, a bill for an act establishing a rural fire protection program and limiting the liability of rural water districts and associations in connection with the provision of water for fire protection.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Miller, Angelo, Hansen, Bartz, Black, Fraise, Gaskill, Johnson, McKibben, and Schuerer. Nays, none. Absent or not voting, 3: Horn, McCoy, and Zieman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**STATE GOVERNMENT**

**Final Bill Action:** HOUSE FILE 225, a bill for an act providing for the reorganization of districts for the election of Iowa state fair board directors, and providing for an election.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, and Rittmer. Nays, none. Absent or not voting, 1: Sexton.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 451, a bill for an act regulating the practice of accounting, establishing fees, providing penalties, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, and Rittmer. Nays, none. Absent or not voting, 1: Sexton.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**EXPLANATION OF VOTES**

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 28, 2001, when the votes were taken on Senate Files 485 and 486. Had I been present, I would have voted "Aye" on both.

TOM FLYNN

**GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

**JUDICIARY**

Richard G. Moore – Administrator of the Division of Criminal and Juvenile Justice Planning

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

### HUMAN RESOURCES

Judith Roddy – Board of Behavioral Science Examiners  
Vilia Tarvydas – Board of Behavioral Science Examiners

Clemmie Hightower – Commission of Elder Affairs  
Yogesh Shah – Commission of Elder Affairs

Matthew Mohrfeld – Iowa Empowerment Board  
Elaine Szymoniak – Iowa Empowerment Board

Lil Perry – State Citizen Foster Care Review Board

Gary Butz – Health Facilities Council

Roger Hartman – Council on Human Services  
James Miller – Council on Human Services

Sally Alt – Mental Health and Developmental Disabilities Commission  
Michael Bergan – Mental Health and Developmental Disabilities Commission  
Murlean Hall – Mental Health and Developmental Disabilities Commission

David Carlyle – Commission on Tobacco Use Prevention and Control

### JUDICIARY

Timothy Tutt – Iowa State Civil Rights Commission  
Gilberto Solivan – Iowa State Civil Rights Commission

Monica Murray – Criminal and Juvenile Justice Planning Advisory Council

Pamela Dettmann – Iowa Drug Policy Advisory Council

### STATE GOVERNMENT

Linda Hopkins – Accountancy Examining Board  
Wesley Stille – Accountancy Examining Board

Robert Tyson – Commission on the Status of African-Americans

Gayle Collins – Alcoholic Beverages Commission

Dale McKinney – Architectural Examining Board

Susan McKinney – Architectural Examining Board

Rod Rebarcak – Board of Chiropractic Examiners

Mary Myers – Board of Cosmetology Arts and Sciences Examiners

Richard Reay – Board of Dental Examiners

Jean Anderson – Board of Dietetic Examiners

Susan Lagneaux – Iowa Emergency Response Commission

Diana Hoogestraat – Engineering and Land Surveying Examining Board

Michael Smith – Board for the Licensing and Regulation of Hearing Aid Dealers

Michael Wolnerman – Board for the Licensing and Regulation of Hearing Aid Dealers

Ann Hutchinson – Investment Board of the IPERS

Bruce Kelley – Investment Board of the IPERS

Joanne Stockdale – Investment Board of the IPERS

Jon Crose – Landscape Architectural Examining Board

Jeanine Grady – Board of Massage Therapy Examiners

Dale Holdiman – Board of Medical Examiners

Ronald Hofbauer – Board of Mortuary Science Examiners

Ricard Porter – Board of Mortuary Science Examiners

Linda Brady – Board of Nursing Examiners

William Miller – Board of Nursing Examiners

Claudia Boeding – State Board of Examiners for Nursing Home Administrators

Judy Weller – State Board of Examiners for Nursing Home Administrators

Christopher Olson – Board of Optometry Examiners

G. Kay Bolton – Board of Pharmacy Examiners

Michael Seifert – Board of Pharmacy Examiners

Cheryl Stewart – Board of Physical and Occupational Therapy Examiners

Martin Unger – Board of Physical and Occupational Therapy Examiners

Kurt Walderbach – Board of Physical and Occupational Therapy Examiners

Eric Jensen – Board of Podiatry Examiners

Kim Lozier – Board of Podiatry Examiners

Richard Bruce – Real Estate Appraiser Examining Board

Lance Clemens – Board of Social Work Examiners

Janice McCoy – Board of Social Work Examiners  
 Jennifer Oman – Board of Social Work Examiners  
 Joyce Westphal – Board of Social Work Examiners

Laura Johnson – Board of Speech Pathology and Audiology Examiners  
 Kenneth Lowder – Board of Speech Pathology and Audiology Examiners

Gregg Connell – Vision Iowa Board  
 Jerry Kearns – Vision Iowa Board

#### AMENDMENTS FILED

S-3273	S.F.	505	Maggie Tinsman David Miller Nancy Boettger John Redwine Johnie Hammond
S-3274	S.F.	500	Donald B. Redfern
S-3275	H.F.	324	Richard F. Drake John P. Kibbie Sheldon Rittmer Dick L. Dearden
S-3276	H.F.	324	Mark Shearer

# JOURNAL OF THE SENATE

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EIGHTY-FIRST CALENDAR DAY  
FORTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 29, 2001

The Senate met in regular session at 9:11 a.m., President Kramer presiding.

Prayer was offered by the Reverend Don Fisher, pastor of the Westminster Presbyterian Church in Clarinda, Iowa, guest of Senator Angelo.

The Journal of Wednesday, March 28, 2001, was approved.

## RECESS

On motion of Senator Boettger, the Senate recessed at 9:15 a.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 9:18 a.m., President Kramer presiding.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 21, a concurrent resolution to call upon the President and the Congress of the United States to intervene on behalf of the cattle industry in Iowa prior to the United States Environmental Protection Agency's implementation of the agency's interpretation of the 1972 Clean Water Act.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, and Rittmer. Nays, none. Absent or not voting, 3: Iverson, Johnson, and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 21.

**Senate Concurrent Resolution 21**

On motion of Senator Gaskill, **Senate Concurrent Resolution 21**, a concurrent resolution to call upon the President and the Congress of the United States to intervene on behalf of the cattle industry in Iowa prior to the United States Environmental Protection Agency's implementation of the agency's interpretation of the 1972 Clean Water Act, with report of committee recommending passage, was taken up for consideration.

President Pro Tempore McKean took the chair at 9:42 a.m.

Senator Gaskill moved the adoption of Senate Concurrent Resolution 21, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for immediate consideration Senate Resolution 17.

**Senate Resolution 17**

On motion of Senator King, **Senate Resolution 17**, a Senate resolution honoring Jacklyn Murray for achieving the 2001 Prudential Spirit of Community Award, with report of committee recommending passage, was taken up for consideration.

Senator King introduced Miss Jacklyn Murray and moved the adoption of Senate Resolution 17, which motion prevailed by a voice vote.

## IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **Senate Concurrent Resolution 21** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Angelo, the Senate adjourned at 10:04 a.m. until 1:00 p.m. Monday, April 2, 2001.

## APPENDIX

### SIMILAR BILL RECEIVED

On March 28, 2001, **House File 519** was received and attached to similar **Senate File 417** on the Senate calendar.

### REPORTS OF COMMITTEE MEETINGS

#### EDUCATION

**Convened:** March 29, 2001, 1:04 p.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** Connolly, Ranking Member; Kramer, and Redwine (all excused).

**Committee Business:** Passed HF's 293, 294, 353, and 389. Approved Governor's appointees.

**Adjourned:** 1:23 p.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** March 29, 2001, 10:42 a.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed HF 636. Approved Governor's appointees.

**Adjourned:** 11:02 a.m.

#### STATE GOVERNMENT

**Convened:** March 29, 2001, 11:20 a.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Dearden, Drake, Fink, Rittmer, and Sexton.

**Members Absent:** Bolkcom, Connolly, Deluhery, Jensen, Maddox, McKean, and McLaren (all excused).

**Committee Business:** Approved Governor's appointees.

**Adjourned:** 11:25 a.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 30**, by McLaren, a Senate resolution congratulating the Iowa State Cyclones Women's Basketball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 31**, by Veenstra, a Senate resolution congratulating the Men's and Women's Basketball Teams of Northwestern College of Orange City.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 32**, by McKibben and Black, a Senate resolution congratulating Maytag Corporation on being named an Energy Star Partner of the Year.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILL

**Senate File 515**, by Iverson and Gronstal, a bill for an act providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates.

Read first time under Rule 28 and referred to committee on **Commerce**.

## STUDY BILLS RECEIVED

**SSB 1257**      **Ways and Means**

Relating to the department of revenue and finance assuming the duties of the child support recovery unit of the department of human services.

**SSB 1258      Ways and Means**

Relating to the assessment for property tax purposes of certain affordable housing for low-income individuals and families.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 71**

WAYS AND MEANS: Drake, Chair; Connolly and McKinley

**House File 73**

STATE GOVERNMENT: Sexton, Chair; Jensen and Kibbie

**House File 304**

STATE GOVERNMENT: King, Chair; Deluhery and McKean

**House File 566**

STATE GOVERNMENT: McKean, Chair; Deluhery and King

**House File 579**

STATE GOVERNMENT: King, Chair; Bolkom and McLaren

**House File 583**

NATURAL RESOURCES AND ENVIRONMENT: Sexton, Chair; Bartz and Fink

**House File 692**

STATE GOVERNMENT: McKean, Chair; Kibbie and King

**House File 694**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Zieman, Chair; Behn and Dvorsky

**House File 695**

EDUCATION: McKinley, Chair; Dvorsky and Rehberg

**House File 697**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: McKinley, Chair; Greiner and Shearer

**SSB 1257**

WAYS AND MEANS: Miller, Chair; Harper and Rehberg

**SSB 1258**

WAYS AND MEANS: Bolkcom, Chair; Maddox and Redwine

**COMMITTEE REPORTS****EDUCATION**

**Final Bill Action:** HOUSE FILE 293, a bill for an act relating to the duties of the board of directors of a school district prior to a regular school election.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Rehberg, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 3: Connolly, Kramer, and Redwine.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 294, a bill for an act relating to contracts and compensation that benefit a member of the board of directors of a school district.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Rehberg, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 3: Connolly, Kramer, and Redwine.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 353, a bill for an act relating to the amount of classroom instruction offered in an approved driver education course as programmed by the department of education.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Rehberg, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 3: Connolly, Kramer, and Redwine.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 389, a bill for an act relating to the duties of the board of directors of a school district, including those related to the suspension of a practitioner by the board of directors of a school district.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Rehberg, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 3: Connolly, Kramer, and Redwine.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** HOUSE FILE 636, a bill for an act relating to the reporting of underground storage tanks and to benefits provided through funds administered by the Iowa comprehensive petroleum underground storage tank fund board.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Sexton, Bartz, Fink, Black, Bolkcom, Dearden, Deluhery, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 29th day of March, 2001:

Senate File 66.

MICHAEL E. MARSHALL  
Secretary of the Senate

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**EDUCATION**

Ying Ying Chen – Board of Educational Examiners  
Thomas Paulsen – Board of Educational Examiners  
Anita Westerhaus – Board of Educational Examiners

**NATURAL RESOURCES AND ENVIRONMENT**

Lori Glanzman – Environmental Protection Commission  
Darrell Hanson – Environmental Protection Commission  
Kathryn Murphy – Environmental Protection Commission  
James Tobin – Environmental Protection Commission  
Terrance Townsend – Environmental Protection Commission

Janice Marcantonio – Natural Resource Commission  
Joan Schneider – Natural Resource Commission

James Holcomb – Iowa Comprehensive Petroleum Underground Storage Tank  
Fund Board

**STATE GOVERNMENT**

Dick Stoffer – Alcoholic Beverages Commission

Stuart Preston – Board of Barber Examiners

Dennis Osipowicz – Engineering and Land Surveying Examining Board

Merlin Hulse – Board of Nursing Examiners

Michael Mahaffey – State Racing and Gaming Commission

William Motz – State Board for Respiratory Care

LaMetta Wynn – Vision Iowa Board

**AMENDMENT FILED**

S-3277      S.F. 224      JoAnn Johnson

# JOURNAL OF THE SENATE

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EIGHTY-FIFTH CALENDAR DAY  
FORTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 2, 2001

The Senate met in regular session at 1:12 p.m., President Kramer presiding.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, Iowa.

The Journal of Thursday, March 29, 2001, was approved.

## RECESS

On motion of Senator Iverson, the Senate recessed at 1:15 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 1:16 p.m., President Kramer presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Fraise, until he arrives, on request of Senator Soukup; and Senator McLaren, until he arrives, on request of Senator Jensen.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 289.

## Senate File 289

On motion of Senator Bartz, **Senate File 289**, a bill for an act relating to open burn notifications and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bartz offered amendment S-3175, filed by the committee on Local Government on March 8, 2001, to page 1 of the bill.

Senator Bartz offered amendment S-3225, filed by him on March 22, 2001, to page 1 of amendment S-3175, and moved its adoption.

Amendment S-3225 was adopted by a voice vote.

Senator Bartz moved the adoption of amendment S-3175, as amended, which motion prevailed by a voice vote.

Senator Tinsman offered amendment S-3252, filed by her on March 27, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3252 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 289), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Fiegen	Flynn	Freeman	Gaskill
Hansen	Harper	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKibben	Redfern	Redwine	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink

Greiner	Gronstal	Hammond	Holveck
Lundby	McKean	McKinley	Miller
Rehberg	Shearer	Soukup	

Absent or not voting, 2:

Fraise	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.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Walter L. Kautzky, as Director of the Department of Corrections, placed on the Individual Confirmation Calendar on March 5, 2001, and found on page 508 of the Senate Journal.

Senator Angelo moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, 1:

Shearer

Absent or not voting, 2:

Fraise	McLaren
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Allan Thoms, as Chair of the Utilities Board, placed on the Individual Confirmation Calendar on March 28, 2001, and found on page 891 of the Senate Journal.

Senator Johnson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Fiegen	Flynn	Freeman
Gaskill	Greiner	Gronstal	Hammond
Harper	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 7:

Bolkcom	Dvorsky	Fink	Hansen
Holveck	Shearer	Soukup	

Absent or not voting, 2:

Fraise	McLaren
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Joint Resolution 3.

### Senate Joint Resolution 3

On motion of Senator McKean, **Senate Joint Resolution 3**, a joint resolution authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date, was taken up for consideration.

Senator McKean moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

**Senate Joint Resolution 3**, a joint resolution authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date.

WHEREAS, the sixth judicial district department of correctional services entered into a lease-purchase agreement with Merchants National Bank of Cedar Rapids on April 1, 1991, for real property located in Johnson and Linn counties where the current community-based correctional facilities are now located; and

WHEREAS, the lease-purchase agreement was assigned to Firststar Bank of Milwaukee; and

WHEREAS, the sixth judicial district department of correctional services is desirous to exercise an option in the lease-purchase agreement to acquire approximately ten acres of real property located next to the community-based correctional facility in Cedar Rapids, Iowa; and

WHEREAS, the current lease-purchase agreement is for a term commencing on April 25, 1991, and ending on June 1, 2006; and

WHEREAS, the sixth judicial district department of correctional services requests authorization from the general assembly pursuant to Code section 905.4, subsection 5, for an extension of the lease-purchase agreement with Firststar Bank of Milwaukee; and

WHEREAS, the requested extension of the lease-purchase agreement is for a term commencing on June 1, 2006, and ending on June 1, 2008; and

WHEREAS, current funding is adequate to meet the extension of the lease-purchase obligation and no general fund moneys need to be appropriated to extend the lease-purchase agreement; NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. AUTHORIZATION BY GENERAL ASSEMBLY. The general assembly pursuant to Code section 905.4, subsection 5, authorizes the sixth judicial district department of correctional services to extend for a period of two years, from June 1, 2006, through June 1, 2008, the lease-purchase agreement entered into with Merchants National Bank of Cedar Rapids on April 1, 1991, and assigned to Firststar Bank of Milwaukee. The general assembly acknowledges that the sixth judicial district department of correctional services has adequate funding to meet the extension of the lease-purchase agreement and that no state general fund appropriations need to be made to extend the lease-purchase agreement.

Section 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" (S.J.R. 3), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fraise	McLaren
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The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Joint Resolution 3** and **Senate File 289** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:01 p.m. until 5:00 p.m.

## APPENDIX

### COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 2, 2001

#### CAPITOL PLANNING COMMISSION

2000 Annual Report, pursuant to Iowa Code section 18A.3.

#### DEPARTMENT OF PUBLIC HEALTH

Organized Delivery Systems in Iowa: A Report to the General Assembly, pursuant to 1993 Acts, chapter 158.

2000 Iowa Termination of Pregnancy Report, pursuant to Iowa Code chapter 144.29A.

Vital Statistics 1999, pursuant to Iowa Code chapter 144.5(5).

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Rosalina Wilhelmina Hermina Krause Meyers — For celebrating your 102nd birthday on April 1, 2001. Senator Gaskill (04/01/01).

### REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Allan Thoms – Utilities Board

JOHN P. KIBBIE

### REPORTS OF COMMITTEE MEETINGS

#### RULES AND ADMINISTRATION

**Convened:** March 29, 2001, 9:16 a.m.

**Members Present:** Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, and Rittmer.

**Members Absent:** Iverson, Chair; Johnson and McKean (all excused).

**Committee Business:** Passed SCR 21.

**Adjourned:** 9:18 a.m.

ALSO:

**Convened:** April 2, 2001, 1:16 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and Rittmer.

**Members Absent:** Gronstal, Ranking Member; and McKean (both excused).

**Committee Business:** Passed HCRs 13 and 14.

**Adjourned:** 1:17 p.m.

## AGRICULTURE

**Convened:** April 2, 2001, 4:10 p.m.

**Members Present:** Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Veenstra, and Zieman.

**Members Absent:** McLaren, Chair; and Soukup (both excused).

**Committee Business:** Passed HF 469.

**Adjourned:** 4:16 p.m.

## COMMERCE

**Convened:** April 2, 2001, 4:05 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, Redfern, and Redwine.

**Members Absent:** McCoy (excused).

**Committee Business:** Passed HF 400.

**Adjourned:** 4:15 p.m.

## STATE GOVERNMENT

**Convened:** April 2, 2001, 3:19 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton.

**Members Absent:** Connolly and McLaren (both excused).

**Committee Business:** Passed HF's 73 (as amended), 259, 481, and 579.

**Adjourned:** 3:49 p.m.

## SUBCOMMITTEE ASSIGNMENTS

### Senate File 515

COMMERCE: Gronstal, Chair; Johnson and Redwine

### House File 598

HUMAN RESOURCES: Veenstra, Chair; Harper and Miller

### House File 629

AGRICULTURE: McLaren, Chair; Fraise and Veenstra

### House File 662

HUMAN RESOURCES: Boettger, Chair; Behn and Shearer

### House File 681

COMMERCE: Johnson, Chair; Flynn and Redwine

## RESOLUTION ENROLLED, SIGNED, AND SENT TO THE SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been enrolled, signed by the President of the Senate and the Speaker of the House, and submitted to the Secretary of State for deposit on this 2nd day of April, 2001:

Senate Joint Resolution 6.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 30, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 146 – Relating to the tobacco master settlement agreement and providing an effective date.

S.F. 509 – Making a supplemental appropriation to the state department of transportation from the primary road fund for the purchase of salt and including an effective date.

## GOVERNOR'S VETO MESSAGE

March 30, 2001

The Honorable Mary Kramer  
President of the Senate  
State Capitol Building  
L O C A L

Dear President Kramer:

I hereby transmit Senate File 66, an Act relating to state general fund expenditure limitation requirements for transmission of the state budget by the Governor and passage of the state budget by the General Assembly.

I am unable to approve Senate File 66. This bill makes changes to the state expenditure limitation even though the present limitation accomplishes the purposes for which it was created. This is an unnecessary and, in some instances, unworkable revision to Iowa's original budget reform legislation.

A key part of Iowa's 1992 budget reform law was creating a mechanism for filling the state's two reserve funds. One of those reserve funds, the economic emergency fund, pre-dated the 1992 changes, but it had never been adequately maintained. The expenditure limitation, which provides that only 99% of estimated revenues may be spent, created a mechanism for filling those reserve funds.

That original expenditure limitation has worked very well. Both of the state's reserves are filled to their statutory maximum. Combined, they contain nearly half a billion dollars. Given that the present law has worked so well, there is no reason for change.

Senate File 66 would change that original expenditure limitation by stipulating that reversions (which are appropriated but unspent funds) not be considered in calculating the expenditure limitation. This is an unnecessary alteration of the expenditure limitation.

Every year, there are appropriated but unspent funds that are returned to the state general fund at the end of the fiscal year. The expenditure limitation is meant to limit expenditures. Reversions are, by their very nature, not expenditures.

Reversions are a very real aspect of budgeting, and it makes little sense to not recognize that fact. According to the legislative fiscal bureau, over the last twenty years reversions have averaged over \$26 million a year.

Senate File 66 flies in the face of the legislature's own practice. The \$26 million in average unspent funds each year would be higher but for the fact that the legislature has often chosen to fund technology projects with reversions. The state's successful Y2K effort was started with a legislative appropriation of \$15 million of anticipated reversions in FY 1997. It makes no sense to assume that reversions will not exist for the purpose of calculating the expenditure limit but then assume that they will exist for purposes of making technology appropriations.

Iowa's 1992 budget reform effort has been successful because it was a workable approach to limiting spending. This new limitation would also remove needed flexibility in the budgeting process.

I have, for example, recommended salary savings in the FY 2002 budget through workforce attrition. It is not possible to determine at this point exactly where this \$4.3 million savings will be achieved; that will depend on which employees leave state government over the course of that fiscal year. As a consequence, that savings is shown as a reversion. To not reflect that savings in the calculation of the expenditure limit takes away many of the tools that are necessary to make enterprise wide decisions about expenditures.

For the above reasons, I hereby respectfully disapprove Senate File 66.

Sincerely,  
THOMAS J. VILSACK  
Governor

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 26, 2001, when the votes were taken on Senate Files 323, 339, 407, 410, 449, 452, 461, 462, 466, and 470 and House Files 194, 228, and 470. Had I been present, I would have voted "Aye" on all.

MAGGIE TINSMAN

## EVENING SESSION

The Senate reconvened at 5:07 p.m., President Pro Tempore McKean presiding.

The Senate stood at ease at 5:08 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:56 p.m., Senator Bartz presiding.

## QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 29, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 526**, a bill for an act providing an apprenticeship program for Illinois barbers in lieu of existing Iowa barber licensure requirements.

Read first time and referred to committee on **State Government**.

**House File 561**, a bill for an act repealing the requirement to fly a flag or pennant on an all-terrain vehicle or snowmobile when operating on a public road or street.

Read first time and referred to committee on **Natural Resources and Environment**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox, until he returns, on request of Senator Iverson.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 494.

**Senate File 494**

On motion of Senator Veenstra, **Senate File 494**, a bill for an act relating to disputes in mediation involving agricultural operations, was taken up for consideration.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 494), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Maddox

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

**CONSIDERATION OF BILL**  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 503.

**Senate File 503**

On motion of Senator Sexton, **Senate File 503**, a bill for an act relating to the construction of facilities or installation of practices related to open feedlot manure control, and providing an effective date, was taken up for consideration.

Senator Sexton offered amendment S-3259, filed by him on March 27, 2001, to pages 1 and 2 of the bill.

Senator Kibbie offered amendment S-3278, filed by him from the floor to page 1 of amendment S-3259, and moved its adoption.

Amendment S-3278 was adopted by a voice vote.

Senator Sexton moved the adoption of amendment S-3259, as amended, which motion prevailed by a voice vote.

Senator Lundby offered amendment S-3280, filed by her from the floor to page 1 of the bill.

Senator Sexton raised the point of order that amendment S-3280 was not germane to the bill.

The Chair ruled the point not well-taken and the amendment S-3280 in order.

President Kramer took the chair at 7:39 p.m.

Senator Lundby moved the adoption of amendment S-3280.

A record roll call was requested.

On the question "Shall amendment S-3280 be adopted?" (S.F. 503), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 3:

Drake	King	McLaren
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Absent or not voting, none.

Amendment S-3280 was adopted.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 503), the vote was:

Ayes, 32:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fiegen	Fraise
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	McCoy
McKibben	McKinley	McLaren	Miller
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Veenstra	Zieman

Nays, 18:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Gronstal
Hammond	Hansen	Harper	Holveck

Horn	Maddox	McCoy	Redfern
Shearer	Tinsman		

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 494 and 503** be **immediately messaged** to the House.

### MOTION TO RECONSIDER ADOPTED

Senator Redwine called up the motion to reconsider Senate File 336, filed by him on March 21, 2001, found on page 778 of the Senate Journal, and moved its adoption.

On the question “Shall the motion to reconsider be adopted?” (S.F. 336), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Jensen

The motion prevailed.

The motion to reconsider Senate File 336 filed by Senator Connolly on March 21, 2001, found on page 778 of the Senate Journal, was out of order.

Senator Redwine moved to reconsider the vote by which Senate File 336 went to its last reading, which motion prevailed by a voice vote.

### Senate File 336

On motion of Senator Redwine, **Senate File 336**, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners, was taken up for reconsideration.

Senator Connolly offered amendment S-3223, filed by him on March 21, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3223 was adopted by a voice vote.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 336), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Fiegen	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 7:

Bolkcom	Dvorsky	Fink	Harper
Holveck	Horn	Rittmer	

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 336** be **immediately messaged** to the House.

UNFINISHED BUSINESS  
(Deferred March 28, 2001)

**Senate File 429**

The Senate resumed consideration of **Senate File 429**, a bill for an act relating to price regulation for local exchange carriers, by changing certain definitions related to price regulation, permitting certain rate increases, requiring certain network infrastructure investments, and making related changes, deferred March 28, 2001.

Senator Hansen offered amendment S-3285, filed by Senator Hansen, et al., from the floor to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 23, nays 25.

Amendment S-3285 lost.

Senator King offered amendment S-3292, filed by Senators King and Kibbie from the floor to pages 1 and 2 of the bill.

Senator Gronstal offered amendment S-3293, filed by him from the floor to page 2 of amendment S-3292, and moved its adoption.

Amendment S-3293 was adopted by a voice vote.

Senator Redwine asked and received unanimous consent that action on amendment S-3292, as amended, and **Senate File 429** be **deferred**.

## COMMITTEE REPORTS

## RULES AND ADMINISTRATION

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 13, a concurrent resolution relating to a biennial memorial session.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and Rittmer. Ayes, none. Absent or not voting, 2: Gronstal and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 14, a concurrent resolution relating to Pioneer Lawmakers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and Rittmer. Ayes, none. Absent or not voting, 2: Gronstal and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolutions 8, 13, and 14.

**House Concurrent Resolution 8**

On motion of Senator Iverson, **House Concurrent Resolution 8**, a concurrent resolution honoring Herb Plambeck, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 8, which motion prevailed by a voice vote.

**House Concurrent Resolution 13**

On motion of Senator Iverson, **House Concurrent Resolution 13**, a concurrent resolution relating to a biennial memorial session, with

report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 13, which motion prevailed by a voice vote.

### **House Concurrent Resolution 14**

On motion of Senator Iverson, **House Concurrent Resolution 14**, a concurrent resolution relating to Pioneer Lawmakers, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 14, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolutions 8, 13, and 14** be **immediately messaged** to the House.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 9.

### **House Concurrent Resolution 9**

On motion of Senator Gaskill, **House Concurrent Resolution 9**, a concurrent resolution to request that the Congress of the United States maintain its commitment to clean air and the ethanol industry, by maintaining the oxygenate requirement in the federal Clean Air Act that promotes the use of ethanol in reformulated gasoline, and urging the United States Environmental Protection Agency to resist California's attempt to waive the oxygenate requirement in that state, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill moved the adoption of House Concurrent Resolution 9, which motion prevailed by a voice vote.

The Senate stood at ease at 9:38 p.m. until the fall of the gavel.

The Senate resumed session at 9:50 p.m., President Kramer presiding.

**CONSIDERATION OF RESOLUTION**  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Joint Resolution 5.

**House Joint Resolution 5**

On motion of Senator Maddox, **House Joint Resolution 5**, a joint resolution to nullify an administrative rule of the department of revenue and finance relating to the collection of a fee to recover direct costs in the administration of a local option sales and services tax and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

**House Joint Resolution 5**, a joint resolution to nullify an administrative rule of the department of revenue and finance relating to the collection of a fee to recover direct costs in the administration of a local option sales and services tax and providing an effective date. BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. 701 Iowa administrative code, rule 107.16, is nullified.

Section 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" (H.J.R. 5), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen

Fink	Flynn	Fraise	Freeman
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rittmer	Schuerer
Sexton	Shearer	Tinsman	Veenstra
Zieman			

Nays, 3:

Johnson	Rehberg	Soukup
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Absent or not voting, 2:

Gaskill	McLaren
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The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Joint Resolution 5** and **House Concurrent Resolution 9** be **immediately messaged** to the House.

#### BUSINESS PENDING

#### Senate File 429

The Senate resumed consideration of **Senate File 429**, a bill for an act relating to price regulation for local exchange carriers, by changing certain definitions related to price regulation, permitting certain rate increases, requiring certain network infrastructure investments, and making related changes, and amendment S-3292, as amended, previously deferred.

Senator Redwine offered amendment S-3294, filed by him from the floor to page 1 of amendment S-3292, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 28, nays 20.

Amendment S-3294 was adopted.

Senator King moved the adoption of amendment S-3292, as amended, which motion prevailed by a voice vote.

With the adoption of amendment S-3292, the Chair ruled amendment S-3289, filed by Senators Redwine, et al., from the floor to page 1 of the bill, out of order.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 429), the vote was:

Ayes, 32:

Angelo	Bartz	Behn	Black
Boettger	Dearden	Drake	Fiegen
Fraise	Freeman	Gaskill	Greiner
Gronstal	Iverson	Jensen	Johnson
Kibbie	King	Lundby	Maddox
McCoy	McKibben	McKinley	McLaren
Miller	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Veenstra	Zieman

Nays, 18:

Bolkcom	Connolly	Deluhery	Dvorsky
Fink	Flynn	Hammond	Hansen
Harper	Holveck	Horn	Kramer
Lamberti	McKean	Redfern	Redwine
Shearer	Tinsman		

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 429** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:02 p.m. until 9:00 a.m., Tuesday, April 3, 2001.

## APPENDIX

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### STATE GOVERNMENT

Susan Loy – Accountancy Examining Board

George North – Board of Dental Examiners

Grace Nelson – Landscape Architectural Examining Board

Robert Buchanan – Board of Massage Therapy Examiners

John Brinkman – Board of Medical Examiners

Michael Byrne – Board of Medical Examiners

Matthew Wilber – Board of Podiatry Examiners

Daniel Courtney – Board of Psychology Examiners

Richard Koestner – Real Estate Appraiser Examining Board

Dorothy Woline – Real Estate Commission

#### REFERRALS TO INDIVIDUAL CONFIRMATION CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following names be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Edwin Hershberger – Iowa Grain Indemnity Fund Board

Ying Ying Chen – Board of Educational Examiners

Yogesh Shah – Commission of Elder Affairs

David Carlyle – Commission on Tobacco Use Prevention and Control

Gilberto Solivan – Iowa State Civil Rights Commission  
Timothy Tutt – Iowa State Civil Rights Commission

Usha Balakrishnan – Iowa Economic Development Board

Susan Lagneaux – Iowa Emergency Response Commission

Robert Buchanan – Board of Massage Therapy Examiners

Dale Holdiman – Board of Medical Examiners

Dorothy Woline – Real Estate Commission

Laura Johnson – Board of Speech Pathology and Audiology Examiners  
Kenneth Lowder – Board of Speech Pathology and Audiology Examiners

Courtney Kay-Decker – State Board of Tax Review

STEWART IVERSON, JR.

## WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on April 2, 2001:

On March 15 of this year, I submitted the name of Hector Ibarra of Johnson County to serve on the Board of Educational Examiners. Mr. Ibarra has asked to withdraw his name from further consideration of the Senate.

Sincerely,  
THOMAS J. VILSACK  
Governor

## COMMITTEE REPORTS

### AGRICULTURE

**Final Bill Action:** HOUSE FILE 469, a bill for an act requiring agricultural equipment suppliers to repurchase certain items upon termination of an agricultural equipment dealership agreement.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Behn, Fraise, Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: McLaren and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## COMMERCE

**Final Bill Action:** HOUSE FILE 400, a bill for an act relating to the regulation of real estate appraisers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, Redfern, and Redwine. Nays, none. Absent or not voting, 1: McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## HUMAN RESOURCES

**Final Bill Action:** HOUSE FILE 560, a bill for an act relating to child foster care regulatory requirements and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3283.

**Final Vote:** Ayes, 13: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## STATE GOVERNMENT

**Final Bill Action:** HOUSE FILE 259, a bill for an act relating to the duties and office of the secretary of state in commissioning notarial officers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 2: Connolly and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 481, a bill for an act relating to the establishment of city precincts and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 2: Connolly and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 579, a bill for an act relating to the administration and management of the department of personnel.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: King, Lamberti, Kibbie, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, 1: Bolkcom. Absent or not voting, 2: Connolly and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 429, the following correction was made:

1. Page 3, line 28, the word and number "section 100" were changed to the word and number "section 6".

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-3278	S.F.	503	John P. Kibbie
S-3279	H.F.	502	Sandra Greiner
S-3280	S.F.	503	Mary A. Lundby
S-3281	S.F.	353	Jack Holveck
S-3282	S.F.	353	Jack Holveck
S-3283	H.F.	560	Human Resources
S-3284	S.F.	514	Larry McKibben
S-3285	S.F.	429	Steven D. Hansen
			John Redwine
			O. Gene Maddox
			Robert E. Dvorsky
			Mark Shearer
			Joe Bolkcom
S-3286	H.F.	341	Robert E. Dvorsky
S-3287	H.F.	341	Patricia Harper

S-3288	H.F. 341	Betty A. Soukup
S-3289	S.F. 429	John Redwine
		Steven D. Hansen
		O. Gene Maddox
		Robert E. Dvorsky
		Joe Bolkcom
		Donald B. Redfern
S-3290	S.F. 105	Steve King
		Mary Lou Freeman
S-3291	S.F. 475	Steve King
S-3292	S.F. 429	Steve King
		John P. Kibbie
S-3293	S.F. 429	Michael E. Gronstal
S-3294	S.F. 429	John Redwine

#### MOTIONS TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which the confirmation of Allan Thoms was approved by the Senate on April 2, 2001.

JOHNIE HAMMOND

MADAM PRESIDENT: I move to reconsider the vote by which the confirmation of Allan Thoms was approved by the Senate on April 2, 2001.

JOHN P. KIBBIE

# JOURNAL OF THE SENATE

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EIGHTY-SIXTH CALENDAR DAY  
FIFTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 3, 2001

The Senate met in regular session at 9:11 a.m., President Kramer presiding.

Prayer was offered by Don Hodson, pastor of the United Methodist Church in Coralville, Iowa, guest of Senator Dvorsky.

The Journal of Monday, April 2, 2001, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 2, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 577**, a bill for an act relating to electric power generation and transmission, by addressing the criteria for construction of an electric generating facility; waivers; approval of power purchase contracts; management of regulated emissions from facilities fueled by coal; providing for the development of a state electric energy policy; providing for joint agreements for acquisition of ownership of a joint facility for electric power generation and transmission, and for the planning, financing, operation, and maintenance of the joint facility; providing for the bonding authority of electric power agencies; and making certain other changes and requirements related to electric generation and transmission.

Read first time and referred to committee on **Commerce**.

President Pro Tempore McKean took the chair at 9:26 a.m.

RECESS

On motion of Senator Boettger, the Senate recessed at 9:56 a.m. until 4:00 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Justin Appenzeller, Boone — For achieving the rank of Eagle Scout. Senator Behn (04/03/01).

LaVon Brashaw, Monticello — For celebrating your 80th birthday on April 23, 2001. Senator McKean (04/03/01).

Matthew Walker Morgan, Kalona — For achieving the rank of Eagle Scout. Senator Greiner (04/03/01).

Adam Noelck, Boone — For achieving the rank of Eagle Scout. Senator Behn (04/03/01).

Joe Rausch, Guttenberg — For achieving the rank of Eagle Scout. Senator Zieman (04/03/01).

Doug and Linda Svendsen, Green Mountain — For receiving the Master Farmer Award. Senator McKibben (04/03/01).

Jim and Shirley Svendsen, Green Mountain — For receiving the Master Farmer Award. Senator McKibben (04/03/01).

Erik Warnecke, Walcott — For achieving the rank of Eagle Scout. Senator Fiegen (04/03/01).

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** April 3, 2001, 10:03 a.m.

**Members Present:** Freeman, Chair; Greiner, Vice Chair; Dearden, Ranking Member; Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer.

**Members Absent:** None.

**Committee Business:** Passed HF 635.

**Adjourned:** 10:30 a.m.

#### EDUCATION

**Convened:** April 3, 2001, 10:02 a.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** Kramer (excused).

**Committee Business:** Passed HF's 643 and 674.

**Adjourned:** 11:00 a.m.

## HUMAN RESOURCES

**Convened:** April 3, 2001, 11:10 a.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra.

**Members Absent:** Holveck (excused).

**Committee Business:** Passed HF's 567 and 590 (as amended). Approved Governor's appointees.

**Adjourned:** 11:30 a.m.

## JUDICIARY

**Convened:** April 3, 2001, 3:05 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, Lamberti, and Tinsman.

**Members Absent:** King, McKean, and Miller (all excused).

**Committee Business:** Passed HF 180. Approved Governor's appointee.

**Adjourned:** 3:10 p.m.

## LOCAL GOVERNMENT

**Convened:** April 3, 2001, 2:05 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Gaskill, McCoy, McKibben, Schuerer, and Zieman.

**Members Absent:** Horn and Johnson (both excused).

**Committee Business:** Passed HF's 535 and 624. Approved Governor's appointee.

**Adjourned:** 2:20 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** April 3, 2001, 1:05 p.m.

**Members Present:** Sexton, Chair; Bartz, Vice Chair; Fink, Ranking Member; Black, Bolkcom, Dearden, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer.

**Members Absent:** Deluhery (excused).

**Committee Business:** Passed HF 561 (as amended).

**Adjourned:** 1:27 p.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** April 3, 2001, 1:10 p.m.

**Members Present:** Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Lamberti, McKinley, and Veenstra.

**Members Absent:** Holveck (excused).

**Committee Business:** Passed HFs 612 and 694. Approved Governor's appointees.

**Adjourned:** 1:22 p.m.

**STATE GOVERNMENT**

**Convened:** April 3, 2001, 2:05 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton.

**Members Absent:** McLaren (excused).

**Committee Business:** Passed HFs 256 and 566.

**Adjourned:** 2:16 p.m.

**TRANSPORTATION**

**Convened:** April 3, 2001, 11:10 a.m.

**Members Present:** Rittmer, Chair; Drake, Vice Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Zieman.

**Members Absent:** None.

**Committee Business:** Approved Governor's appointees.

**Adjourned:** 11:20 a.m.

## WAYS AND MEANS

**Convened:** April 3, 2001, 11:39 a.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** Holveck (excused).

**Committee Business:** Approved SSBs 1252 and 1253 (as amended) and passed SF 320 (as amended). Approved Governor's appointee.

**Adjourned:** 12:55 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 22**, by Lundby, a concurrent resolution requesting the legislative council to authorize the personal privacy issues study committee to continue deliberations during the 2001 legislative interim.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 33**, by Horn, a Senate resolution urging the Iowa Department of Public Health to compile and maintain records regarding autism.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## SUBCOMMITTEE ASSIGNMENTS

### House File 526

STATE GOVERNMENT: Rittmer, Chair; Connolly and Drake

### House File 561

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Black and Freeman

### House File 577

COMMERCE: Jensen, Chair; Deluhery, Gronstal, Johnson, and Redwine

**House File 624**

LOCAL GOVERNMENT: Schuerer, Chair; Hansen and Miller

**House File 686**

STATE GOVERNMENT: Maddox, Chair; Connolly and McKean

**COMMITTEE REPORT****AGRICULTURE**

**Final Bill Action:** HOUSE FILE 581, a bill for an act relating to the size of drainage or levee districts having election districts and requesting an interim study.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3295.

**Final Vote:** Ayes, 12: McLaren, Behn, Fraise, Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Shearer, Soukup, and Veenstra. Nays, none. Absent or not voting, 3: Black, Sexton, and Ziemann.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**JUDICIARY**

Rogers Kirk – Board of Parole

**LOCAL GOVERNMENT**

Ralph Kremer – Mental Health Risk Pool Board

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

Jack Sickler – Iowa Economic Development Board

Allison Deluhery – Small Business Advisory Council

**TRANSPORTATION**

Thomas Lillquist – Iowa Law Enforcement Academy Council

Patty Link – Iowa Law Enforcement Academy Council

Patricia Crawford – State Transportation Commission  
Thomas Hart – State Transportation Commission

**WAYS AND MEANS**

Nancy Evans – Iowa Finance Authority

## AFTERNOON SESSION

The Senate reconvened at 4:37 p.m., Senator Maddox presiding.

## QUORUM CALL

Senator Boettger requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

The Senate stood at ease at 4:40 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:45 p.m., President Kramer presiding.

## QUORUM CALL

Senator Boettger requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 32 present, 18 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 2, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 670**, a bill for an act relating to nontraditional practitioner preparation instruction programs, including the licensure of individuals who are participating in or have successfully completed a program.

Read first time and referred to committee on **Education**.

ALSO: That the House has on April 3, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 582**, a bill for an act relating to the division and development of land by amending provisions relating to subdivision plats and plats of survey and relating to annexation and other boundary adjustments, and providing for the Act's applicability.

Read first time and referred to committee on **Local Government**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 32.

**Senate File 32**

On motion of Senator Rittmer, **Senate File 32**, a bill for an act relating to the discontinuation of gambling operations after a referendum of disapproval and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 32** be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bartz and McKibben, until they return, on request of Senator Angelo.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 497.

**Senate File 497**

On motion of Senator Drake, **Senate File 497**, a bill for an act relating to the governance of the Iowa public employees' retirement system and providing an effective date, was taken up for consideration.

Senator Kibbie offered amendment S-3258, filed by Senator Kibbie, et al., on March 27, 2001, to pages 3, 4, 8, 12-16, and 19 of the bill, and moved its adoption.

Amendment S-3258 was adopted by a voice vote.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 497), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Bartz                      McKibben

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 497** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:38 p.m. until 9:00 a.m. Wednesday, April 4, 2001.

## APPENDIX

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### HUMAN RESOURCES

Lori Clayton – Board of Examiners for Athletic Training

James Anastasi – Board of Behavioral Science Examiners

Catherine Whitfield – Commission on Community Action Agencies

Harold Davis – Commission of Elder Affairs

Larry Nuss – State Citizen Foster Care Review Board

Teresa Rohret – State Citizen Foster Care Review Board

Cynthia Beauman – Health Facilities Council

Richard Campbell – Mental Health and Developmental Disabilities Commission

James Cunningham – Board of Physician Assistant Examiners

Sharon Wellendorf – Commission on Tobacco Use Prevention and Control

#### REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following names be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Teresa Rohret – State Citizen Foster Care Review Board

Cynthia Beauman – Health Facilities Council

STEWART IVERSON, JR.

#### INTRODUCTION OF BILLS

**Senate File 516**, by committee on Ways and Means, a bill for an act establishing a small business growth initiative by adjusting the

allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including a retroactive applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

**Senate File 517**, by committee on Ways and Means, a bill for an act establishing an interstate distribution center initiative by identifying an activity of a foreign corporation for which a return is not required for state income tax purposes and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

## COMMITTEE REPORTS

### BUSINESS AND LABOR RELATIONS

**Final Bill Action:** HOUSE FILE 635, a bill for an act providing that certain employees are not entitled to compensation for time spent traveling to and from the worksite.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Freeman, Greiner, Behn, King, McKibben, and Schuerer. Nays, 5: Dearden, Fraise, Hammond, Horn, and Lundby. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### EDUCATION

**Final Bill Action:** HOUSE FILE 643, a bill for an act providing statutory revisions relating to the department of education, school districts, and the kindergarten through grade twelve educational program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, Kramer, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 674, a bill for an act relating to the reorganization or dissolution of an area education agency.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra. Nays, none. Absent or not voting, 1: Kramer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## HUMAN RESOURCES

**Final Bill Action:** HOUSE FILE 567, a bill for an act providing for a legal risk waiver in interstate adoptions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*HOUSE FILE 590, a bill for an act relating to the testing of individuals and the release of the results of tests for communicable and infectious diseases and for the human immunodeficiency virus and making penalties applicable.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3299.

**Final Vote:** Ayes, 12: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Miller, Schuerer, Shearer, and Veenstra. Nays, none. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on House File 590, and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** HOUSE FILE 180, a bill for an act relating to exceptions to the required participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Maddox, Holveck, Angelo, Boettger, Fiegen, Hammond, Horn, Lamberti, and Tinsman. Nays, none. Absent or not voting, 6: Redfern, Fraise, Hansen, King, McKean, and Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### LOCAL GOVERNMENT

**Final Bill Action:** HOUSE FILE 535, a bill for an act allowing cities to issue general obligation bonds, revenue bonds, or loan agreements to fund the construction and equipping of child care centers and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Miller, Angelo, Hansen, Bartz, Black, Fraise, Gaskill, McCoy, McKibben, Schuerer, and Zieman. Nays, none. Absent or not voting, 2: Horn and Johnson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 624, a bill for an act relating to the appointment and dismissal of a police chief or marshal under a mayor-council form of city government.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Miller, Angelo, Hansen, Bartz, Black, Fraise, Gaskill, McCoy, McKibben, Schuerer, and Zieman. Nays, none. Absent or not voting, 2: Horn and Johnson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### NATURAL RESOURCES AND ENVIRONMENT

**Final Bill Action:** HOUSE FILE 561, a bill for an act repealing the requirement to fly a flag or pennant on an all-terrain vehicle or snowmobile when operating on a public road or street.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3296.

**Final Vote:** Ayes, 13: Sexton, Bartz, Fink, Bolkcom, Dearden, Drake, Freeman, Johnson, Kibbie, Lundby, McLaren, Miller, and Rittmer. Nays, 1: Black. Absent or not voting, 1: Deluhery.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** HOUSE FILE 612, a bill for an act relating to highway improvement assistance from the revitalize Iowa's sound economy fund for brownfield sites.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Rehberg, Zieman, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Lamberti, McKinley, and Veenstra. Nays, none. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 694, a bill for an act relating to housing by creating a housing trust fund and a housing trust commission.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Rehberg, Zieman, Shearer, Behn, Dvorsky, Fiegen, Flynn, Gaskill, Greiner, Lamberti, McKinley, and Veenstra. Nays, none. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**STATE GOVERNMENT**

**Final Bill Action:** \*HOUSE FILE 73, a bill for an act relating to the powers and duties of the executive director of the commission of veterans affairs by providing for the recognition of honor guard units of veterans organizations to perform honor guard services.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3297.

**Final Vote:** Ayes, 13: King, Lamberti, Kibbie, Bolkom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 2: Connolly and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on House File 73, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 256, a bill for an act relating to health care facility regulation, including information to be included in a notice of a deficiency and including the collaboration of the department of inspections and appeals and the state fire marshal in promulgating rules.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 566, a bill for an act relating to the terms "registered voter", "eligible elector", and "qualified voter" for purposes of elections, voter registration, statutory petition requirements, absentee voting by armed forces, and drainage district elections.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 516 (SSB 1252), a bill for an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including a retroactive applicability date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: McKibben, McKinley, Deluhery, Drake, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 3: Harper, Bolkcom, and Connolly. Absent or not voting, 2: Flynn and Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 517 (SSB 1253), a bill for an act establishing an interstate distribution center initiative by identifying an activity of a foreign corporation for which a return is not required for state income tax purposes and including effective and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S-3295	H.F. 581	Agriculture
S-3296	H.F. 561	Natural Resources and Environment
S-3297	H.F. 73	State Government
S-3298	H.F. 341	Jack Holveck
S-3299	H.F. 590	Human Resources

# JOURNAL OF THE SENATE

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EIGHTY-SEVENTH CALENDAR DAY  
FIFTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 4, 2001

The Senate met in regular session at 9:10 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Honorable John W. Jensen, member of the Senate from Bremer County, Plainfield, Iowa.

The Journal of Tuesday, April 3, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby, until she arrives, on request of Senator Freeman; and Senator Angelo, until he arrives, on request of Senator McKibben.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 418.

### **Senate File 418**

On motion of Senator McKibben, **Senate File 418**, a bill for an act relating to unemployment compensation by providing that social security pension payments are nondeductible from unemployment benefits and providing for coverage for employment by an Indian tribe, was taken up for consideration.

Senator Harper offered amendment S-3178, filed by her on March 14, 2001, to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-3178 was adopted by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 418), the vote was:

Ayes, 48:

Bartz	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Angelo	Lundby
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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 GUESTS

Senator Greiner welcomed the following guests representing the Sixty-sixth Annual Tulip Time Festival:

Queen Randa Van Rheenen, who introduced the members of her court: Orpah Schiebout, Jessica Van Zee, Jawnice Vaverka, and Molly Vermeer.

Queen Randa invited the members of the Senate to attend the Tulip Time Festival in Pella on May 10, 11, and 12.

The Queen, her attendants, and their parents distributed the famous Dutch cookies to the senators and staff.

UNFINISHED BUSINESS  
(Deferred April 3, 2001)

**Senate File 32**

The Senate resumed consideration of **Senate File 32**, a bill for an act relating to the discontinuation of gambling operations after a referendum of disapproval and providing an effective date, deferred April 3, 2001.

Senator Rittmer offered amendment S-3300, filed by Senators Rittmer, Iverson, and Gronstal, from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3300 was adopted by a voice vote.

Senator Rittmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 32), the vote was:

Ayes, 38:

Black	Boettger	Bolkcom	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	McCoy
McKinley	McLaren	Miller	Redfern
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Zieman		

Nays, 11:

Bartz	Behn	Greiner	Lundby
Maddox	McKean	McKibben	Redwine
Rehberg	Shearer	Veenstra	

Absent or not voting, 1:

Angelo

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 32 and 418** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 504.

### Senate File 504

On motion of Senator Miller, **Senate File 504**, a bill for an act relating to the creation of a multimodal authority and granting the authority the power to issue bonds and notes, was taken up for consideration.

Senator Miller asked and received unanimous consent that action on **Senate File 504** be **deferred**.

### RECESS

On motion of Senator Iverson, the Senate recessed at 10:11 a.m. until 1:45 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:02 p.m., President Kramer presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 24**, a concurrent resolution requesting the legislative council to establish a study committee relating to the creation of a statewide central intake unit for receiving child abuse reports.

Read first time and referred to committee on **Human Resources**.

ALSO: That the House has on April 4, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 382**, a bill for an act relating to the healthy and well kids in Iowa program.

Read first time and referred to committee on **Commerce**.

**House File 647**, a bill for an act relating to the release and use of certain personal information by the state department of transportation.

Read first time and referred to committee on **Transportation**.

**House File 663**, a bill for an act repealing the ban on persons or spouses of persons who receive direct or indirect compensation from or who have certain privileges in a county public hospital, from serving as a trustee for that county public hospital.

Read first time and referred to committee on **State Government**.

## COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

Senator Iverson moved that upon the dissolution of the Joint Convention, the Senate be adjourned until 9:00 a.m. Thursday, April 5, 2001.

The motion prevailed by a voice vote.

The Senate proceeded to the House Chamber, in accordance with House Concurrent Resolution 14, in columns of two led by the Secretary of the Senate and the Sergeant-at-Arms.

## JOINT CONVENTION PIONEER LAWMAKERS

Fifty-Sixth Biennial Session  
House Chamber

In accordance with House Concurrent Resolution 14, duly adopted, the joint convention was called to order at 2:10 p.m., President Kramer presiding.

President Kramer declared a quorum present and the joint convention duly organized.

Senator Iverson moved that a committee of five be appointed to escort the Pioneer Lawmakers into the House Chamber.

The motion prevailed by a voice vote and the President appointed as such committee Senators Jensen and Kibbie on the part of the Senate and Representatives Finch, Roberts, and Quirk on the part of the House.

The committee escorted the Pioneer Lawmakers to seats in the House Chamber.

President Kramer presented the Honorable Andrew J. McKean, President Pro Tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kramer presented the Honorable Brent Siegrist, Speaker of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kramer presented the Honorable John Connors, member of the House and President of the Pioneer Lawmakers Association, who responded to the welcome.

Representative Connors announced the following 1981 class of Pioneer Lawmakers: Ted James Anderson (deceased), Gary Baugher, Janet Carl, Dorothy Carpenter, James Clements, Lisle Cook, Elvie Dreeszen (deceased), Marcia Walters Fletcher, L. W. Joe Gross, JoAnn Trucano Jensen, George Petrick (deceased), Dennis Renaud, Robert Renken, Richard Running, Jo Smith, Vic Stueland, Al Sturgeon, William R. Sullivan, Thomas E. Swartz, Richard P. Vande Hoef, and Karen Mann Wong.

Honorary members of the 2001 class were the following: Larry Blixt, Diane Bolender, Jim Carney, Mike Glover, and Keith Luchtel.

Representative Connors presented the Memorial Choir, directed by Senator Mark Shearer, who performed "On Eagle's Wings."

Representative Connors presented Former Lieutenant Governor Arthur Neu, who addressed the joint convention.

It seems strange to be back up here today. I remember being here many times from 1973 through 1978, but always to introduce then-Governor Bob Ray.

In reading about your problems this session, I was reminded of the General Assembly in 1967. In 1964, there was a sweep by the Democrats in the election which resulted in both houses, the Governor's Office, as well as the entire executive council with but one exception, being held by that party. In the 1968 election, the Republicans regained control of the House by a very narrow margin, but the Democrats still controlled the Senate by a three-vote margin. Harold Hughes was re-elected as Governor.

I was one of the freshmen Senators, and it was an experience. The session was the longest ever and didn't adjourn until early July. A consensus developed as soon as warm weather arrived that the air circulation system in this wonderful old building was woefully inadequate.

What made me think of the '67 session was your struggle with school legislation. Prior to 1967, state aid to schools was minimal. The public school system was largely funded with property tax. There was a consensus that something had to be done, but no agreement on how to accomplish this.

The Republicans in the House passed a school aid proposal called "The Petersen Plan," and the Senate passed a plan called "Proportionate Sharing." In addition, there was not nearly enough revenue to fund either plan, so a tax increase was unavoidable if the state was going to provide significant aid to the public schools.

Each house passed its school aid plan, and the whole thing ended up in a conference committee. The committee merged the two plans, and although it did not have authority to decide on what, if any, taxes were to be increased, acknowledged that the plan depended on increased revenue. The committee met with Governor Hughes and the leadership of both parties in each house. After some posturing, the school aid plan was agreed to, as were the taxes to fund the aid.

The proposal was reported out and passed both houses by a wide margin. A large majority of each party in each house supported the legislation, and Iowa had its first significant aid to schools. Ironically, the legislation was supported by the ISEA and the Farm Bureau — a modest miracle in itself, I thought.

I recall a guest editorial in the Des Moines Register in 1997, when California economist Arthur Laffer derided a small tax cut and also noted that "good policies always pass by the skin of their teeth ... nothing truly great is ever so clear as to command a massive plurality." This is unadulterated nonsense. Some of the greatest, most far-reaching legislation passed by the Iowa Legislature during my time passed by enormous majorities when the two parties and the legislative and executive branches came together.

The point of all this is that I think there is a consensus in Iowa today that we have to increase teachers' salaries. It may not be possible to do as much as we would like to do this session because of the drop in revenue, but still a consensus does exist. Therefore, given the makeup of state government today, a legislature controlled by one party, but by a very narrow margin, and an executive branch by the other party, the only way legislation will be passed is if both parties play a major role in the drafting of the school legislation and approve the final product. To try to do otherwise is, at best, misguided and, at worst, cynical. I can also tell you that there is more cynicism toward government today than there has been for a long time. That cynicism is not lessened by bickering over what the public considers intricate provisions in the proposed legislation. I do not think there is any political advantage to be gained unless you can pass a reasonable bill to increase teachers' salaries, and you will not pass it unless there is a consensus among the two parties and the Governor.

I have seen the statistics showing an upcoming shortage of teachers in this state. While increased salaries are certainly the most important ingredient in attracting more young people into the field, it seems to be that other programs should be considered.

For example, rural Iowa has many highly intelligent people who are unable to travel any distance to attend college or university. They are essentially locked into

their region by family matters. These people would be excellent teachers. They will not be recruited away, and they will teach in schools in their region.

The University of Northern Iowa and the Des Moines Area Community College have such a program in Carroll where DMACC teaches the first two years following UNI requirements. The second two years are taught by UNI faculty, both in person and over the ICN. Of the twenty-five graduates from this program to date, twenty-three are teaching in schools in the region. The program would not require new bricks and mortar and would only involve some additional personnel. They could be taught on community college campuses throughout the state. It will only be successful however, if both sectors work together in a cooperative fashion, do not try to make the program into a profit center, and use bona fide faculty. If the college does not utilize instructors who would qualify to teach on their campus, then the programs become a farce, which must be guarded against. I strongly recommend that such a program be put into effect statewide to help address our teacher shortage.

Additionally, I understand that the teacher shortage is more acute for certain subjects. Why not give school boards authority to establish pay differentials? If a board determines that they have a special need for a physics teacher, why shouldn't the board have authority to establish a salary above the level that teacher would receive under the district's salary schedule?

I also note increased discussion for school reorganization. Some schools today are clearly too small. I recommend to you the Great Plains Report, which was commissioned by the Legislature in 1964. The last time I checked there was one copy remaining in the Service Bureau Library. The report looked at school districts and concluded that there was an optimum size — that districts could be too large and too small. The per pupil cost was like a bell curve. Districts that were too large or too small could be given incentives, beyond what exist today, to merge. You could consider county-like districts in rural areas where several districts would be merged with one superintendent and one board but with multiple attendance centers. Thus, in a rural county with four districts predominantly within the county, they could still retain their four high schools with all the extra-curricular activities remaining in the community but sharing faculty and even facilities. There would be some savings, but also some additional transportation costs. Students would have the advantage of more class offerings and better qualified instructors in some instances.

Lastly, I find myself perplexed by one action, or inaction, of this General Assembly. Some years ago you created rainy-day funds. This was even discussed in antiquity when I was down here, and it should have been enacted then. You showed foresight when you created these funds. What I fail to understand is your failure to utilize the funds now that there is a downturn in our economy and the state's revenue has fallen substantially below projections. While some may think this is not an emergency, it certainly seems so to me. Why else create the fund, if not to use when revenue dips substantially. When the economy starts to grow again, you can start to replenish the fund.

What you must realize is that state programs can certainly be cut, but when they are, there are repercussions to some of the people. Sometimes it takes years before the total impact is understood, but it does have an effect. For example, cut funds to prisons, and you are encouraging more overcrowding than we now have and a takeover by the federal courts. Cut school aid, and gradually the quality of our schools and the

infrastructure will deteriorate. The same is true with our universities and community colleges. I understand that this is gradual, but it nonetheless takes place. When we try to encourage new businesses to come to Iowa or existing businesses to expand in Iowa, they all tell me they look at our infrastructure, that is, schools, hospitals, roads etc. Additionally, when you reduce state programs, invariably costs are shifted to the local property tax, which is probably the one Iowa tax that is out of line with surrounding states. By arbitrarily putting limits on local governments beyond what now exists, you are hamstringing the government that is closest to the people. Instead of limiting local government during the good times of the last ten or so years, you should have been shifting the cost from the property tax to state revenue such as has been done with schools.

I understand that in times such as these your job is difficult. There is a government that is divided politically. You are besieged by outsiders and press who know what you should do, but who do not have a consensus among themselves. Whatever you do, there will be critics who berate you. Notwithstanding all this, remember that there have been times when under such circumstances some of our best legislation has been passed and that it has stood the test of time. I certainly wish you success with the very difficult issues confronting you today.

Representative Connors presented the Memorial Choir, who performed "The Irish Blessing."

Representative Jacobs moved that the joint convention be dissolved at 2:54 p.m.

The motion prevailed by a voice vote.

The Senate returned to the Senate Chamber.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 4, 2001

#### STATE LIBRARY OF IOWA

Iowa Public Library Statistics 1999–2000.

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

High school students from Okoboji High School in Milford, Iowa, who participated in the state jazz band competition. These students won third place in the competition. Senator Kibbie.

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

#### EDUCATION

Jean Seeland – Board of Educational Examiners

Mary Ellen Becker – State Board of Regents

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** April 4, 2001, 11:25 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Budget discussion and language request from the department.

**Adjourned:** 12:05 p.m.

## EDUCATION

**Convened:** April 4, 2001, 1:05 p.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Harper, McKinley, Redfern, Redwine, Shearer, Soukup, Tinsman, and Veenstra.

**Members Absent:** Kramer (excused).

**Committee Business:** Passed HF's 637 (as amended), 669, 670, and 695. Approved Governor's appointees.

**Adjourned:** 1:54 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 23**, by Johnson, Lundby, Rehberg, Hammond, Freeman, Soukup, Harper, Greiner, Boettger, Tinsman, and Kramer, a concurrent resolution encouraging state and local governments, business interests, health care professionals, and individuals with an interest in good health to help educate the public regarding osteoporosis prevention, detection, and treatment, and designating April 12, 2001, as Osteoporosis Awareness Day.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 34**, by Kramer, McKinley, McKibben, Sexton, Jensen, Rittmer, Angelo, Gaskill, Dvorsky, Shearer, Fiegen, Bartz, McLaren, Schuerer, Freeman, Lundby, Bolkom, Horn, Kibbie, Connolly, Tinsman, Greiner, Behn, Drake, Zieman, Dearden, Holveck, Flynn, Soukup, King, Rehberg, Boettger, Lamberti, Hansen, Redfern, Johnson, Veenstra, Hammond, Fraise, Iverson, Miller, McKean, Redwine, Maddox, Deluhery, Fink, Harper, Gronstal, Black, and McCoy, a Senate resolution honoring the University of Iowa Women's Basketball Team and Coach Lisa Bluder.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### INTRODUCTION OF BILL

**Senate File 518**, by committee on Ways and Means, a bill for an act providing for taxes relating to the sale of ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

### SUBCOMMITTEE ASSIGNMENTS

#### **House Concurrent Resolution 24**

HUMAN RESOURCES: Redwine, Chair; Hammond and Tinsman

#### **House File 382**

COMMERCE: Schuerer, Chair; Freeman and McCoy

#### **House File 582**

LOCAL GOVERNMENT: Angelo, Chair; Fraise and Johnson

#### **House File 647**

TRANSPORTATION: McKinley, Chair; Dearden and Zieman

#### **House File 670**

EDUCATION: Boettger, Chair; Kramer and Soukup

### COMMITTEE REPORTS

#### **EDUCATION**

**Final Bill Action:** HOUSE FILE 669, a bill for an act relating to the acceptance and administration of trusts by a school corporation board of directors.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, McKinley, Redfern, Redwine, Shearer, Tinsman, and Veenstra. Nays, none. Absent or not voting, 3: Harper, Kramer, and Soukup.



# MEMORIAL SERVICE

Seventy-Ninth General Assembly  
Wednesday, April 4, 2001  
7:00 P.M.

## Program

Representative John Connors, Presiding

“Home of the Soul” ..... Traditional  
Senator Andy McKean

Invocation ..... Representative Ralph Klemme

“Iowa, My Iowa” ..... Bartz  
Senator Merlin Bartz

## MEMORIALS

**READERS: Sen. Dvorsky, Sen. Jensen and Sen. Angelo**

Hon. Burke (S)      Hon. Griffin (S)      Hon. Kosek (H & S)  
Hon. Burroughs (S)      Hon. Hester (S)      Hon. Thordsen (H & S)  
Hon. Heying (S)

“On Eagle’s Wings” ..... Joncas  
Memorial Choir: Directed by Senator Mark S. Shearer  
Accompanied by Senator Mary Kramer

## MEMORIALS

**READERS: Sen. Connolly, Rep. Mascher, Rep. Alons and Rep. Heaton**

Hon. Anderson (S)      Hon. Fullmer (H)      Hon. Hansen (H)  
Hon. Jesse (H)      Hon. Worthington (H)      Hon. Eppers (S)  
Hon. McCormick (H)      Hon. De Koster (S)      Hon. Ware (H)  
Hon. Burns (S)

“America The Beautiful” ..... Ward  
Memorial Choir

## MEMORIALS

**READERS: Rep. Rayhons, Rep. Frevert and Rep. Johnson**

Hon. Brockett (H)      Hon. Gillette (H)      Hon. Hinkhouse (H)  
Hon. Riehm (H)      Hon. Mayberry (H)      Hon. Sokol (H)  
Hon. Fogarty (H)

“The Irish Blessing” ..... Bacak  
Memorial Choir

\*Senate – (S) and House – (H)

**IN MEMORIAM**  
**SERVED IN THE SENATE**

**Honorable Ted James Anderson** (Black Hawk County): 69<sup>th</sup>, 69<sup>th</sup>X, 69<sup>th</sup>XX and 70<sup>th</sup> (1981-1984)

**Honorable Vincent S. Burke** (Woodbury County): 61<sup>st</sup> (1965)

**Honorable Robert J. Burns** (Johnson County): 61<sup>st</sup> and 62<sup>nd</sup> (1965-1968)

**Honorable Clifford E. Burroughs** (Butler County): 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup> and 67<sup>th</sup>X (1974-1978)

**Honorable Lucas J. De Koster** (Sioux County): 61<sup>st</sup>, 62<sup>nd</sup>, 63<sup>rd</sup>, 64<sup>th</sup>, 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup>, 67<sup>th</sup>X, 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup>X and 69<sup>th</sup>XX (1965-1982)

**Honorable Charles F. Eppers** (Lee County): 58<sup>th</sup> and 59<sup>th</sup> (1959-1962)

**Honorable Charles F. Griffin** (Monona County): 60<sup>th</sup>, 60<sup>th</sup>X and 61<sup>st</sup> (1963-1966)

**Honorable Jack W. Hester** (Pottawattamie County): 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup>X, 69<sup>th</sup>XX, 70<sup>th</sup>, 71<sup>st</sup>, 72<sup>nd</sup>, 72<sup>nd</sup>X, 72<sup>nd</sup>XX, 73<sup>rd</sup>, 74<sup>th</sup>, 74<sup>th</sup>X, 74<sup>th</sup>XX and 75<sup>th</sup> (1979-1994)

**Honorable Hilarius "Larry" Heying** (Fayette County): 61<sup>st</sup>, 62<sup>nd</sup>, 65<sup>th</sup> and 66<sup>th</sup> (1965-1968) and (1973-1976)

**SERVED IN THE HOUSE OF REPRESENTATIVES  
AND THE SENATE**

**Honorable Ernest Kosek** (Linn County): **House** – 52<sup>nd</sup>, 52<sup>nd</sup>X, 53<sup>rd</sup>, 54<sup>th</sup>, 55<sup>th</sup>, 56<sup>th</sup> and 57<sup>th</sup> (1947-1958) **Senate** – 62<sup>nd</sup> and 63<sup>rd</sup> (1967-1970)

**Honorable Harold A. Thordsen** (Scott County): **House** – 62<sup>nd</sup> (1967-1968) **Senate** – 63<sup>rd</sup> and 64<sup>th</sup> (1969-1972)

**SERVED IN THE HOUSE OF REPRESENTATIVES**

**Honorable Glenn Brockett** (Marshall County): 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup> and 67<sup>th</sup>X (1973-1978)

**Honorable Daniel P. Fogarty** (Palo Alto County): 70<sup>th</sup>, 71<sup>st</sup>, 72<sup>nd</sup>, 72<sup>nd</sup>X, 72<sup>nd</sup>XX, 73<sup>rd</sup>, 74<sup>th</sup>, 74<sup>th</sup>X, 74<sup>th</sup>XX and 75<sup>th</sup> (1983-1994)

**Honorable Wayne J. Fullmer** (Jasper County): 61<sup>st</sup> (1965-1966)

**Honorable William Riley Gillette** (Clay County): 61<sup>st</sup> (1965-1966)

**Honorable Ingwer L. Hansen** (O'Brien County): 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup>, 67<sup>th</sup>X, 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup>X and 69<sup>th</sup>XX (1973-1982)

**Honorable Herbert C. Hinkhouse** (Cedar County): 66<sup>th</sup>, 67<sup>th</sup>, 67<sup>th</sup>X and 68<sup>th</sup> (1975-1980)

**Honorable Norman Jesse** (Polk County): 63<sup>rd</sup>, 64<sup>th</sup>, 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup>, 67<sup>th</sup>X and 68<sup>th</sup> (1969-1980)

**Honorable D. Vincent Mayberry** (Webster County): 61<sup>st</sup>, 62<sup>nd</sup>, 63<sup>rd</sup> and 64<sup>th</sup> (1965-1972)

**Honorable Harold C. McCormick** (Delaware County): 63<sup>rd</sup>, 64<sup>th</sup> and 65<sup>th</sup> (1969-1974)

**Honorable Curtis G. Riehm** (Hancock County): 56<sup>th</sup> and 57<sup>th</sup> (1955-1958)

**Honorable Howard N. Sokol** (Osceola County): 60<sup>th</sup> and 60<sup>th</sup>X (1963-1964)

**Honorable Harvey W. Ware** (Wapello County): 59<sup>th</sup> (1961-1962)

**Honorable Lorne R. Worthington** (Decatur County): 60<sup>th</sup> and 60<sup>th</sup>X (1963-1964)

### Candlelighters

Senator Jack Kibbie  
 Senator Maggie Tinsman  
 Representative Patrick Murphy  
 Representative Donna Barry

### Hosts

Senator Mary Lou Freeman  
 Senator Nancy Boettger  
 Kay Kibbie  
 Representative Willard Jenkins  
 Representative Vicki Lensing  
 Representative Jodi Tymeson

### Senate Memorial Committee

Honorable Richard F. Drake, Chair  
 Honorable Michael W. Connolly  
 Honorable John P. Kibbie  
 Honorable Merlin E. Bartz  
 Honorable O. Gene Maddox  
 Honorable Mark S. Shearer

### House Memorial Committee

Honorable Ralph F. Klemme, Chair  
 Honorable Carmine Boal  
 Honorable William A. Dotzler, Jr.  
 Honorable Marcella Frevert

Memorial Page: Teresa Rottinghaus  
 Flowers Arranged by The Bloomin' Greenery, Indianola, Iowa  
 Piano Furnished by Critchett Piano and Organ Company

# JOURNAL OF THE SENATE

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EIGHTY-EIGHTH CALENDAR DAY  
FIFTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 5, 2001

The Senate met in regular session at 9:06 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Bill Stewart, pastor of the Grace United Methodist Church in Des Moines, Iowa, guest of Senator Maddox.

The Journal of Wednesday, April 4, 2001, was approved.

## SPECIAL PRESENTATIONS

The Legislative Memorial Session Choir performed “America The Beautiful” and provided background music for “Iowa, My Iowa,” an original composition performed by Senator Merlin E. Bartz. The choir was directed by Senator Mark Shearer, and piano accompaniment was provided by Senate Page Kari Dummermuth from Elgin.

Senator Andrew J. McKean performed a vocal and instrumental rendition of “Home of the Soul.”

The Senate rose and expressed its appreciation.

## SPECIAL GUEST

Senator Iverson welcomed New York State Senator Steve Saland. Senator Saland is the President-elect of the National Conference of State Legislators and Chair of the Children and Families Committee in the Senate. Senator Saland addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kramer, until she arrives, on request of Senator Freeman; Senator Gaskill, until he arrives, on request of Senator Sexton; and Senator McLaren, until he arrives on request of Senator Jensen.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Joint Resolution 11.

### **House Joint Resolution 11**

On motion of Senator Sexton, **House Joint Resolution 11**, a joint resolution to nullify administrative rules of the department of natural resources requiring a harvest report of wild turkeys by resident and nonresident hunters, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Sexton moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

**House Joint Resolution 11**, a joint resolution to nullify administrative rules of the department of natural resources requiring a harvest report of wild turkeys by resident and nonresident hunters, and providing an effective date.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NULLIFICATION OF WILD TURKEY HARVEST REPORTS. 1. 571 Iowa administrative code, rule 98.5, is nullified. 2. 571 Iowa administrative code, rule 98.16, is nullified.

Section. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" (H.J.R. 11), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Greiner	Gronstal	Hammond	Hansen
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Lamberti
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 2:

Harper	Lundby
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Absent or not voting, 3:

Gaskill	Kramer	McLaren
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The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Joint Resolution 11** be **immediately messaged** to the House.

### BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

S.F.	105	S.F.	496
S.F.	353	S.F.	511
S.F.	399	S.F.	514
S.F.	417	S.F.	515
S.F.	467	S.F.	516
S.F.	476	S.F.	517
S.F.	478	S.F.	518
S.F.	491	H.F.	577

## BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that the following bills on the Senate Calendar, no longer eligible under Senate Rule 60, be referred to committee:

S.J.R.	1	Commerce
S.F.	61	Agriculture
S.F.	80	Agriculture
S.F.	100	Human Resources
S.F.	149	Agriculture
S.F.	202	Transportation
S.F.	210	Human Resources
S.F.	223	Judiciary
S.F.	224	Judiciary
S.F.	260	Local Government
S.F.	264	Human Resources
S.F.	319	Agriculture
S.F.	321	Judiciary
S.F.	362	Natural Resources and Environment
S.F.	388	Agriculture
S.F.	390	Human Resources
S.F.	416	Judiciary
S.F.	430	Human Resources
S.F.	431	Agriculture
S.F.	432	Transportation
S.F.	434	Local Government
S.F.	435	State Government
S.F.	446	Transportation
S.F.	448	Judiciary
S.F.	454	Agriculture
S.F.	460	Transportation
S.F.	464	Natural Resources and Environment
S.F.	468	Education
S.F.	469	Local Government
S.F.	475	State Government
S.F.	477	Education
S.F.	482	Judiciary
S.F.	483	Judiciary
S.F.	484	Judiciary
S.F.	488	Judiciary

S.F.	490	Commerce
S.F.	492	State Government
S.F.	495	Agriculture
S.F.	498	Judiciary
S.F.	501	Local Government
S.F.	502	Agriculture

### RECESS

On motion of Senator Iverson, the Senate recessed at 9:55 a.m. until the fall of the gavel.

### RECONVENED

The Senate reconvened at 11:08 a.m., Senator Flynn presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 653**, a bill for an act relating to the imposition of a conditional discharge or a deferred judgment in a criminal sentence.

Read first time and referred to committee on **Judiciary**.

**House File 654**, a bill for an act relating to the amount of contributions to and accumulated increases in the value of certain retirement plans which are exempt from creditors and providing an effective date.

Read first time and referred to committee on **Judiciary**.

**House File 687**, a bill for an act relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation.

Read first time and referred to committee on **State Government**.

RECESS

On motion of Senator Fiegen, the Senate recessed at 11:10 a.m. until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened at 3:55 p.m., Senator Rittmer presiding.

ADJOURNMENT

On motion of Senator Boettger, the Senate adjourned at 3:56 p.m. until 10:00 a.m. Monday, April 9, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 5, 2001

#### DEPARTMENT OF NATURAL RESOURCES

Fiscal Year 2000 Goal Year Report, pursuant to Iowa Code section 455D.3, subsection 3, paragraph "a."

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Paul Amundson, West Union — For achieving the rank of Eagle Scout. Senator Zieman (04/05/01).

David Hingstman, University of Iowa — For coaching the winners of the 2001 National Debate Tournament. Senator Dvorsky (04/05/01).

Grant Langhus, Monona — For achieving the rank of Eagle Scout. Senator Zieman (04/05/01).

Andrew Peterson, University of Iowa — For winning the 2001 National Debate Tournament. Senator Dvorsky (04/05/01).

Andrew Ryan, University of Iowa — For winning the 2001 National Debate Tournament. Senator Dvorsky (04/05/01).

Sioux City North High School Jazz Band I and Jazz Band II — For qualifying two teams for the state jazz band competition. Senator Hansen (04/05/01).

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

**HUMAN RESOURCES**

William Billings – Commission on Community Action Agencies

Marvin Tuttle – Commission on the Deaf

Carolyn Olson-Illg – Iowa Empowerment Board

Connie Bear King – State Citizen Foster Care Review Board

Marc Riveland – Mental Health and Developmental Disabilities Commission

**JUDICIARY**

Constance Birmingham – State Judicial Nominating Commission

John Taylor – State Judicial Nominating Commission

Ruth Kammeier – Commission on Judicial Qualifications

Curtis Jenkins – Board of Parole

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

Dimaggio Nichols – Iowa Economic Development Board

**REFERRALS TO INDIVIDUAL CONFIRMATION CALENDAR**

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Ruth Kammeier – Commission on Judicial Qualifications

STEWART IVERSON, JR.

**ALSO:**

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following names be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Amir Arbisser – State Board of Regents

Mary Ellen Becker – State Board of Regents

Sue Nieland – State Board of Regents

John Taylor – State Judicial Nominating Commission

STEVE KING

## WITHDRAWAL OF GOVERNOR'S APPOINTEES

The following letters from the Governor were received in the office of the Secretary of the Senate on April 5, 2001:

I submitted the name of Dr. Yogesh Shah to serve on the Commission on Elder Affairs. I am withdrawing his name from further consideration by the Senate.

Thank you.

Sincerely,  
THOMAS J. VILSACK  
Governor

### ALSO:

I submitted the name of Marc Riveland to serve on the Mental Health and Developmental Disabilities Commission. I am withdrawing his name from further consideration by the Senate.

Thank you.

Sincerely,  
THOMAS J. VILSACK  
Governor

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convended:** April 4, 2001, 11:35 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; and Rittmer.

**Members Absent:** Dearden (excused).

**Committee Business:** Reviewed Governor's budget.

**Adjourned:** 12:05 p.m.

**AGRICULTURE**

**Convened:** April 4, 2001, 4:35 p.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Soukup, Veenstra, and Ziemann.

**Members Absent:** Black and Shearer (excused).

**Committee Business:** Passed HF's 564 and 629.

**Adjourned:** 5:10 p.m.

**COMMERCE**

**Convened:** April 4, 2001, 4:45 p.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolckcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine.

**Members Absent:** None.

**Committee Business:** Passed SF 515 and HF 577.

**Adjourned:** 5:00 p.m.

**HUMAN RESOURCES**

**Convened:** April 4, 2001, 3:35 p.m.

**Members Present:** Redwine, Chair; Tinsman, Vice Chair; Hammond, Ranking Member; Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Schuerer, Shearer, and Veenstra.

**Members Absent:** Miller (excused).

**Committee Business:** Passed HCR 24 and HF's 354, 598 (as amended), 655, 662, and 680 (as amended). Approved Governor's appointees.

**Adjourned:** 4:45 p.m.

**JUDICIARY**

**Convened:** April 4, 5:20 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lambert, McKean, and Miller.

**Members Absent:** Tinsman (excused).

**Committee Business:** Passed HF's 326 and 623 (as amended). Approved Governor's appointees.

**Adjourned:** 6:00 p.m.

## COMMERCE

**Convened:** April 5, 2001, 11:30 a.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkom, Flynn, Freeman, Gronstal, Hansen, Jensen, Lundby, McCoy, Redfern, and Redwine.

**Members Absent:** King and Maddox (both excused).

**Committee Business:** Passed HF 382.

**Adjourned:** 11:40 a.m.

## JUDICIARY

**Convened:** April 5, 2001, 12:10 p.m.

**Members Present:** Maddox, Chair; Redfern, Vice Chair; Holveck, Ranking Member; Angelo, Boettger, Fraise, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman.

**Members Absent:** Fiegen and Hammond (both excused).

**Committee Business:** Passed HF's 229 (as amended) and 654. Approved Governor's appointee.

**Adjourned:** 12:30 p.m.

## LOCAL GOVERNMENT

**Convened:** April 5, 2001, 2:05 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Hansen, Ranking Member; Bartz, Black, Fraise, Johnson, McCoy, McKibben, Schuerer, and Zieman.

**Members Absent:** Gaskill and Horn (both excused).

**Committee Business:** Passed HF 582 (as amended).

**Adjourned:** 2:35 p.m.

## SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** April 5, 2001, 1:10 p.m.

**Members Present:** Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Dvorsky, Fiegen, Greiner, Lamberti, McKinley, and Veenstra.

**Members Absent:** Behn, Flynn, Gaskill, and Holveck (all excused).

**Committee Business:** Passed HF's 349, 384, and 697. Approved Governor's appointee.

**Adjourned:** 1:24 p.m.

## STATE GOVERNMENT

**Convened:** April 5, 2001, 8:13 a.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** None.

**Committee Business:** Passed HF's 304, 403, 526, 663, 686, 687, and 692.

**Recessed:** 8:40 a.m.

**Reconvened:** 2:04 p.m.

**Adjourned:** 3:00 p.m.

## TRANSPORTATION

**Convened:** April 5, 2001, 11:45 a.m.

**Members Present:** Rittmer, Chair; McCoy, Ranking Member; Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Zieman.

**Members Absent:** Drake, Vice Chair (excused).

**Committee Business:** Passed HF 647.

**Adjourned:** 11:58 a.m.

## SUBCOMMITTEE ASSIGNMENTS

### House File 229

JUDICIARY: Maddox, Chair; Fraise and McKean

### House File 654

JUDICIARY: Maddox, Chair; Fiegen and Redfern

**House File 663**

STATE GOVERNMENT: Jensen, Chair; Kibbie and Sexton

**House File 687**

STATE GOVERNMENT: Drake, Chair; Kibbie and King

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** HOUSE FILE 564, a bill for an act providing for the reversion of dividends and distributions by certain cooperative associations.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: McLaren, Behn, Fraise, Angelo, Bartz, Gaskill, Greiner, Kibbie, Sexton, Soukup, Veenstra, and Zieman. Nays, 1: Fiegen. Absent or not voting, 2: Black and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 629, a bill for an act providing for a weed-free certification program for forage or mulch, and establishing fees.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 8: McLaren, Behn, Angelo, Bartz, Gaskill, Greiner, Veenstra, and Zieman. Nays, 5: Fraise, Fiegen, Kibbie, Sexton, and Soukup. Absent or not voting, 2: Black and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**COMMERCE**

**Final Bill Action:** SENATE FILE 515, a bill for an act providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 382, a bill for an act relating to the healthy and well kids in Iowa program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, Lundby, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, 2: King and Maddox.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 577, a bill for an act relating to electric power generation and transmission, by addressing the criteria for construction of an electric generating facility; waivers; approval of power purchase contracts; management of regulated emissions from facilities fueled by coal; providing for the development of a state electric energy policy; providing for joint agreements for acquisition of ownership of a joint facility for electric power generation and transmission, and for the planning, financing, operation, and maintenance of the joint facility; providing for the bonding authority of electric power agencies; and making certain other changes and requirements related to electric generation and transmission.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 15: Johnson, Schuerer, Deluhery, Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Lundby, Maddox, McCoy, Redfern, and Redwine. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## EDUCATION

**Final Bill Action:** HOUSE FILE 637, a bill for an act relating to the responsibilities and duties of the department of education, area education agencies, and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the unified library service area, and development of a biennial unified plan of service and service delivery in consultation with unified library service areas and area education agency media centers.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3306.

**Final Vote:** Ayes, 11: Boettger, Rehberg, Connolly, Angelo, Dvorsky, Fink, McKinley, Redfern, Redwine, Tinsman, and Veenstra. Nays, none. Absent or not voting, 4: Harper, Kramer, Shearer, and Soukup.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**HUMAN RESOURCES**

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 24, a concurrent resolution requesting the legislative council to establish a study committee relating to the creation of a statewide central intake unit for receiving child abuse reports.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Schuerer, and Veenstra. Nays, none. Absent or not voting, 2: Miller and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 354, a bill for an act relating to the pronouncement of death by a physician assistant, a licensed practical nurse, or a registered nurse.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Redwine, Tinsman, Hammond, Bartz, Behn, Dvorsky, Harper, Schuerer, and Veenstra. Nays, none. Absent or not voting, 4: Boettger, Holveck, Miller, and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*HOUSE FILE 598, a bill for an act establishing a child protection center grant program.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3303.

**Final Vote:** Ayes, 10: Redwine, Tinsman, Hammond, Bartz, Behn, Dvorsky, Harper, Holveck, Schuerer, and Veenstra. Nays, none. Absent or not voting, 3: Boettger, Miller, and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on House File 598, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 655, a bill for an act relating to the establishment of a system of oversight for adult day services.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Redwine, Tinsman, Hammond, Bartz, Behn, Dvorsky, Harper, Holveck, Schuerer, and Veenstra. Nays, none. Absent or not voting, 3: Boettger, Miller, and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 662, a bill for an act relating to Iowa's community empowerment initiative and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Schuerer, and Veenstra. Nays, none. Absent or not voting, 2: Miller and Shearer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*HOUSE FILE 680, a bill for an act relating to child and dependent abuse reporting and civil remedies pertaining to such reporting.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3302.

**Final Vote:** Ayes, 11: Redwine, Tinsman, Hammond, Bartz, Behn, Boettger, Dvorsky, Harper, Holveck, Schuerer, and Veenstra. Nays, none. Absent or not voting, 2: Miller and Shearer.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on House File 680, and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** \*HOUSE FILE 229, a bill for an act relating to judicial district departments of correctional services by providing for a judgment lien for supervision fees and for the establishment of a reserve peace officer force.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3305.

**Final Vote:** Ayes, 11: Maddox, Redfern, Angelo, Fraise, Hansen, Horn, King, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 4: Holveck, Boettger, Fiegen, and Hammond.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on House File 229, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 326, a bill for an act relating to the mediation process in civil rights cases.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, and Miller. Nays, none. Absent or not voting, 1: Tinsman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*HOUSE FILE 623, a bill for an act relating to the imposition of a fine for criminal offenses classified as aggravated misdemeanors, or class "D" or class "C" felonies.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3301.

**Final Vote:** Ayes, 14: Maddox, Redfern, Holveck, Angelo, Boettger, Fiegen, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, and Miller. Nays, none. Absent or not voting, 1: Tinsman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on House File 623, and they were attached to the committee report.

ALSO:

**Final Bill Action:** HOUSE FILE 654, a bill for an act relating to the amount of contributions to and accumulated increases in the value of certain retirement plans which are exempt from creditors and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Maddox, Redfern, Holveck, Angelo, Fraise, Hansen, Horn, Lamberti, McKean, Miller, and Tinsman. Nays, none. Absent or not voting, 4: Boettger, Fiegen, Hammond, and King.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** HOUSE FILE 349, a bill for an act relating to the enterprise zone program by creating an eligible development business portion of the program, amending the incentives and assistance provisions available under the enterprise zone program, and providing a retroactive applicability date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Rehberg, Zieman, Shearer, Dvorsky, Fiegen, Greiner, Lamberti, McKinley, and Veenstra. Nays, none. Absent or not voting, 4: Behn, Flynn, Gaskill, and Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 384, a bill for an act relating to the elimination of programs and duties of the department of economic development.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Rehberg, Zieman, Shearer, Dvorsky, Fiegen, Greiner, Lamberti, McKinley, and Veenstra. Nays, none. Absent or not voting, 4: Behn, Flynn, Gaskill, and Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 697, a bill for an act relating to an Iowa new economy council.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Rehberg, Zieman, Shearer, Dvorsky, Fiegen, Greiner, Lamberti, McKinley, and Veenstra. Nays, none. Absent or not voting, 4: Behn, Flynn, Gaskill, and Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**STATE GOVERNMENT**

**Final Bill Action:** HOUSE FILE 304, a bill for an act relating to elections and voter qualifications and voter registration and concerning election misconduct and criminal penalties, voter registration deadlines and voter registration by mail, written summaries of proposed constitutional amendments or of certain other public measures, election polling hours, receiving, handling, and delivering absentee ballots, and the election of directors of local school districts, area education agencies, and merged areas, and including effective date and applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: King, Lamberti, Drake, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, 5: Kibbie, Bolkcom, Connolly, Deluhery, and Fink. Absent or not voting, 2: Dearden and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 403, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and providing effective and applicability dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 526, a bill for an act providing an apprenticeship program for Illinois barbers in lieu of existing Iowa barber licensure requirements.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: King, Lamberti, Kibbie, Bolkcom, Connolly, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, 1: Deluhery. Absent or not voting, 2: Dearden and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 663, a bill for an act repealing the ban on persons or spouses of persons who receive direct or indirect compensation from or who have certain privileges in a county public hospital, from serving as a trustee for that county public hospital.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolkcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 686, a bill for an act relating to provision of notice prior to the provision of products or services by state agencies or political subdivisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: King, Lamberti, Kibbie, Bolcom, Connolly, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, 2: Dearden and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 687, a bill for an act relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: King, Lamberti, Kibbie, Bolcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, and Rittmer. Nays, none. Absent or not voting, 2: Connolly and Sexton.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 692, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: King, Lamberti, Kibbie, Bolcom, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, 1: Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## TRANSPORTATION

**Final Bill Action:** HOUSE FILE 647, a bill for an act relating to the release and use of certain personal information by the state department of transportation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Rittmer, McCoy, Dearden, Fink, Fraise, Freeman, Jensen, Kibbie, McKinley, McLaren, Sexton, and Ziemann. Nays, none. Absent or not voting, 1: Drake.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S-3301	H.F. 623	Judiciary
S-3302	H.F. 680	Human Resources
S-3303	H.F. 598	Human Resources
S-3304	H.F. 73	Steve King
		John P. Kibbie
		Sheldon Rittmer
		Dennis H. Black
		Richard F. Drake
		John W. Jensen
		Wally E. Horn
		Sandra Greiner
		Derryl McLaren
		Mike Sexton
		Steven D. Hansen
		Jeff Angelo
		Matt McCoy
		Dick L. Dearden
		Larry McKibben
		Nancy Boettger
		Ken Veenstra
		Mary Lou Freeman
		Merlin E. Bartz
		David Miller
		Mark Shearer
		Tom Flynn
		Bill Fink
		Jeff Lamberti
		Thomas Fiegen
		Mark Zieman
		Betty A. Soukup
		Paul McKinley
		Mary E. Kramer
		Jerry Behn
S-3305	H.F. 229	Judiciary
S-3306	H.F. 637	Education

# JOURNAL OF THE SENATE

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NINETY-SECOND CALENDAR DAY  
FIFTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 9, 2001

The Senate met in regular session at 10:08 a.m., President Kramer presiding.

Prayer was offered by the Reverend Jim Morris, pastor of the United Methodist Church in Emmetsburg, Iowa, guest of Senator Kibbie.

The Journal of Thursday, April 5, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dvorsky, until he arrives, on request of Senator Fink; Senator McLaren, until he arrives, on request of Senator Jensen; Senators McKibben, Redwine, and Veenstra, until they arrive, on request of Senator Iverson; Senator Connolly, until he arrives, on request of Senator Deluhery; and Senator Schuerer, until he arrives, on request of Senator McKean.

## RECESS

On motion of Senator Iverson, the Senate recessed at 10:18 a.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 10:21 a.m., President Kramer presiding.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 8.

**Senate Concurrent Resolution 8**

On motion of Senator Iverson, **Senate Concurrent Resolution 8**, a concurrent resolution urging United States Congressional support for the Railroad Retirement and Survivors Improvement Act, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 8, which motion prevailed by a voice vote.

UNFINISHED BUSINESS

**Senate File 511**

On motion of Senator Tinsman, **Senate File 511**, a bill for an act to legalize certain ordinances and amendments considered and passed by the city of Davenport in accordance with procedures no longer valid, and providing an effective date and for retroactive applicability, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 5, 2001, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 511), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen

Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Zieman

Nays, none.

Absent or not voting, 6:

Connolly	Dvorsky	McKibben	McLaren
Redwine	Veenstra		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS  
(Deferred March 20, 2001)

**Senate File 259**

The Senate resumed consideration of **Senate File 259**, a bill for an act relating to the victim rights compensation fund, deferred March 20, 2001.

President Pro Tempore McKean took the chair at 10:35 a.m.

Senator King withdrew amendment S-3199, filed by him on March 20, 2001, to page 1 and to the title page of the bill.

Senator King withdrew amendment S-3183, filed by him on March 19, 2001, to page 1 of the bill.

Senator King withdrew amendment S-3184, filed by him on March 19, 2001, to page 1 of the bill.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 259), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Connolly	Dvorsky	McKibben	McLaren
Redwine			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 225 and 353.

#### **House File 225**

On motion of Senator Jensen, **House File 225**, a bill for an act providing for the reorganization of districts for the election of Iowa state fair board directors, and providing for an election, with report of committee recommending passage, was taken up for consideration.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 225), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Connolly	Dvorsky	McKibben	McLaren
Redwine			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 353

On motion of Senator Rehberg, **House File 353**, a bill for an act relating to the amount of classroom instruction offered in an approved driver education course as programmed by the department of education, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 353), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti

Lundby	Maddox	McCoy	McKean
McKinley	Miller	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Fink

Absent or not voting, 5:

Connolly	Dvorsky	McKibben	McLaren
Redwine			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### UNFINISHED BUSINESS (Deferred March 26, 2001)

#### **House File 502**

The Senate resumed consideration of **House File 502**, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability, deferred March 26, 2001.

Senator Greiner withdrew amendment S-3279, filed by her on April 2, 2001, to page 4 of the bill.

Senator Bartz asked and received unanimous consent that action on **House File 502** be **deferred**.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 400, 272, 462, and 293.

#### **House File 400**

On motion of Senator Freeman, **House File 400**, a bill for an act relating to the regulation of real estate appraisers, with report of committee recommending passage, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 400), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Connolly	Dvorsky	McKibben	McLaren
Redwine			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 272

On motion of Senator Angelo, **House File 272**, a bill for an act relating to felonious misconduct by a public officer or employee and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 272), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Connolly	Dvorsky	McKibben	McLaren
Redwine			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 462

On motion of Senator Boettger, **House File 462**, a bill for an act relating to the reimbursement of administrative costs of an area education agency for services provided by the agency under part C of the federal Individuals With Disabilities Education Act, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 462), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper

Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Connolly	Dvorsky	McKibben	McLaren
Redwine			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 293

On motion of Senator Tinsman, **House File 293**, a bill for an act relating to the duties of the board of directors of a school district prior to a regular school election, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 293), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Connolly

Dvorsky

McLaren

Redwine

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 8, Senate Files 259 and 511, and House Files 225, 272, 293, 353, 400, and 462** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 560, 451, 567, and 481.

#### House File 560

On motion of Senator Bartz, **House File 560**, a bill for an act relating to child foster care regulatory requirements and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bartz offered amendment S-3283, filed by the committee on Human Resources on April 2, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3283 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 560), the vote was:

Ayes, 46:

Angelo  
Boettger

Bartz  
Bolkcom

Behn  
Dearden

Black  
Deluhery

Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Connolly	Dvorsky	McLaren	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 451

On motion of Senator Lamberti, **House File 451**, a bill for an act regulating the practice of accounting, establishing fees, providing penalties, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Angelo took the chair at 11:20 a.m.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 451), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Rehberg	Rittmer	Schuerer

Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Connolly	Dvorsky	McLaren	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 567

On motion of Senator Behn, **House File 567**, a bill for an act providing for a legal risk waiver in interstate adoptions, with report of committee recommending passage, was taken up for consideration.

Senator Behn asked and received unanimous consent that action on **House File 567** be **deferred**.

### House File 481

On motion of Senator Maddox, **House File 481**, a bill for an act relating to the establishment of city precincts and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 481), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Rehberg	Rittmer	Schuerer

Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Connolly	Dvorsky	McLaren	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Johnson asked and received unanimous consent to take up for consideration House Files 566, 624, and 612.

#### **House File 566**

On motion of Senator McKean, **House File 566**, a bill for an act relating to the terms “registered voter”, “eligible elector”, and “qualified voter” for purposes of elections, voter registration, statutory petition requirements, absentee voting by armed forces, and drainage district elections, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 566), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Rehberg	Rittmer	Schuerer

Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Connolly	Dvorsky	McLaren	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 624

On motion of Senator Schuerer, **House File 624**, a bill for an act relating to the appointment and dismissal of a police chief or marshal under a mayor-council form of city government, with report of committee recommending passage, was taken up for consideration.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 624), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Connolly	Dvorsky	McLaren	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 612

On motion of Senator Gaskill, **House File 612**, a bill for an act relating to highway improvement assistance from the revitalize Iowa's sound economy fund for brownfield sites, with report of committee recommending passage, was taken up for consideration.

Senator Rittmer asked and received unanimous consent that action on **House File 612** be **deferred**.

### UNFINISHED BUSINESS

### Senate File 515

On motion of Senator Gronstal, **Senate File 515**, a bill for an act providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 5, 2001, was taken up for consideration.

Senator Gronstal offered amendment S-3310, filed by Senators Gronstal and Iverson from the floor to pages 1-4 of the bill, and moved its adoption.

Amendment S-3310 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?" (S.F. 515), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy

McKean	McKibben	McKinley	Miller
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Connolly	Dvorsky	McLaren	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **Senate File 515** and **House Files 451, 481, 560, 566, and 624** be **immediately messaged** to the House.

### RECESS

On motion of Senator Bartz, the Senate recessed at 12:01 p.m. until 1:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:01 p.m., Senator Veenstra presiding.

### QUORUM CALL

Senator Schuerer requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent, and a quorum present.

President Pro Tempore McKean took the chair at 1:08 p.m.

## SPECIAL GUESTS

The Grant Wood All City Drum Corp from Cedar Rapids, Iowa, appeared at the rostrum and led the Senate in the Pledge of Allegiance. A member then presented President Kramer with a friendship medal.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 16.

**Senate Concurrent Resolution 16**

On motion of Senator Tinsman, **Senate Concurrent Resolution 16**, a concurrent resolution requesting the Director of Public Health to review the effects of obesity, report on current state and local programs to enhance public awareness of obesity and its treatment, and make recommendations for improvements of the programs, was taken up for consideration.

Senator Boettger asked and received unanimous consent that action on **Senate Concurrent Resolution 16** be **deferred**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 643.

**House File 643**

On motion of Senator Boettger, **House File 643**, a bill for an act providing statutory revisions relating to the department of education, school districts, and the kindergarten through grade twelve educational program, with report of committee recommending passage, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **House File 643** be **deferred**.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 31, a resolution congratulating the Men's and Women's Basketball Teams of Northwestern College of Orange City.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Dvorsky.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for immediate consideration Senate Resolution 31.

#### Senate Resolution 31

On motion of Senator Veenstra, a resolution congratulating the Men's and Women's Basketball Teams of Northwestern College of Orange City, with report of committee recommending passage, was taken up for consideration.

Senator Veenstra moved the adoption of Senate Resolution 31, which motion prevailed by a voice vote.

### SPECIAL GUESTS

Senator Veenstra introduced the Northwestern College Men's and Women's Basketball Teams, Coach Kris Korver, and Coach Earl Woudstra. The following persons representing the college were also in attendance: Dr. Bruce Murphy, President; Barry Brandt, Athletic Director; and Duane Beeson, Director of Public Relations.

Dr. Murphy addressed the Senate with brief remarks. The Senate rose and expressed its welcome.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Jensen, until he returns, on request of Senator Greiner; and Senators Gronstal and Kibbie, until they return, on request of Senator Fink.

**CONSIDERATION OF BILL**  
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 636.

**House File 636**

On motion of Senator Fink, **House File 636**, a bill for an act relating to the reporting of underground storage tanks and to benefits provided through funds administered by the Iowa comprehensive petroleum underground storage tank fund board, with report of committee recommending passage, was taken up for consideration.

Senator Fink moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 636), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Gronstal	Jensen	Kibbie	McLaren
Redwine			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Johnson asked and received unanimous consent to take up for consideration House Files 309 and 569.

**House File 309**

On motion of Senator Veenstra, **House File 309**, a bill for an act to legalize participation in an instructional support program by the West Bend-Mallard Community School District and providing an effective and retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 309), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Gronstal	Jensen	Kibbie	McLaren
Redwine			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Veenstra, until he returns, on request of Senator Iverson.

### House File 569

On motion of Senator Schuerer, **House File 569**, a bill for an act relating to the proposed uniform computer information transactions Act, with report of committee recommending passage, was taken up for consideration.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 569), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Zieman

Nays, none.

Absent or not voting, 6:

Gronstal	Jensen	Kibbie	McLaren
Redwine	Veenstra		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

**Senate File 417**

On motion of Senator Holveck, **Senate File 417**, a bill for an act relating to the qualifications and duties of the clerk of court, placed on the Unfinished Business Calendar on April 5, 2001, was taken up for consideration.

Senator Johnson asked and received unanimous consent that action on **Senate File 417** be **deferred**.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Johnson asked and received unanimous consent to take up for consideration House Files 635, 628, and 256.

**House File 635**

On motion of Senator King, **House File 635**, a bill for an act providing that certain employees are not entitled to compensation for time spent traveling to and from the worksite, with report of committee recommending passage, was taken up for consideration.

Senator Dearden asked and received unanimous consent that action on **House File 635** be **deferred**.

**House File 628**

On motion of Senator Bartz, **House File 628**, a bill for an act relating to the regulation of grain dealers by providing an exception for limited liability companies that produce renewable fuel, with report of committee recommending passage, was taken up for consideration.

Senator Angelo took the chair at 2:06 p.m.

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. 628), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Flynn	Freeman	Gaskill
Greiner	Hansen	Iverson	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Zieman			

Nays, 15:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Hammond	Harper	Holveck
Horn	McCoy	Shearer	

Absent or not voting, 6:

Gronstal	Jensen	Kibbie	McLaren
Redwine	Veenstra		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, until he returns, on request of Senator Iverson.

### House File 256

On motion of Senator McKean, **House File 256**, a bill for an act relating to health care facility regulation, including information to be included in a notice of a deficiency and including the collaboration of the department of inspections and appeals and the state fire marshal in promulgating rules, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 256), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Johnson	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Zieman			

Nays, none.

Absent or not voting, 5:

Jensen	Lamberti	McLaren	Redwine
Veenstra			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 256, 309, 569, 628, and 636** be **immediately messaged** to the House.

### BUSINESS PENDING

#### House File 567

The Senate resumed consideration of **House File 567**, a bill for an act providing for a legal risk waiver in interstate adoptions, previously deferred.

Senator Hansen offered amendment S-3314, filed by Senators Hansen and Behn from the floor to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-3314 was adopted by a voice vote.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 567), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Lamberti	McLaren	Redwine	Veenstra
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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.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 561.

### House File 561

On motion of Senator Bartz, **House File 561**, a bill for an act repealing the requirement to fly a flag or pennant on an all-terrain

vehicle or snowmobile when operating on a public road or street, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bartz offered amendment S-3296, filed by the committee on Natural Resources and Environment on April 3, 2001, to page 1 and to the title page of the bill.

Senator Bartz offered amendment S-3309, filed by him from the floor to page 1 of amendment S-3296.

Senator Bartz asked and received unanimous consent that action on amendment S-3309 to amendment S-3296, amendment S-3296, and **House File 561** be **deferred**.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 567** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:41 p.m. until 9:00 a.m. Tuesday, April 10, 2001.

## APPENDIX

### COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 6, 2001

#### AUDITOR OF STATE

Iowa's Single Audit Report for the fiscal year ended June 30, 2000.

April 9, 2001

#### DEPARTMENT OF TRANSPORTATION

Quadrennial Need Study — Report on Highways, Roads, and Streets for Study Years 1998–2017, pursuant to Iowa Code section 307A.2(14A).

### GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Terrance Duggan – Iowa Economic Development Board

### REPORTS OF COMMITTEE MEETINGS

#### RULES AND ADMINISTRATION

**Convened:** April 9, 2001, 10:21 a.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** Dvorsky (excused).

**Committee Business:** Passed SR 31.

**Adjourned:** 10:22 a.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** April 9, 2001, 12:37 p.m.

**Members Present:** Rehberg, Chair; Zieman, Vice Chair; Shearer, Ranking Member; Behn, Flynn, Gaskill, Greiner, Holveck, and Lamberti.

**Members Absent:** Dvorsky, Fiegen, McKinley, and Veenstra (all excused).

**Committee Business:** Approved Governor's appointee.

**Adjourned:** 12:40 p.m.

**STUDY BILL RECEIVED****SSB 1259 Appropriations**

Relating to the establishment of a substance abuse treatment facility for criminal offenders and a substance abuse treatment facility advisory council and making an appropriation.

**SUBCOMMITTEE ASSIGNMENT****SSB 1259**

**APPROPRIATIONS:** Lamberti, Chair; Dvorsky and Kramer

**EXPLANATION OF VOTES**

**MADAM PRESIDENT:** I was necessarily absent from the Senate chamber on April 9, 2001, when the votes were taken on Senate Concurrent Resolution 8, Senate Files 259 and 511, and House Files 225, 272, 293, 353, 400, 451, 462, 481, 560, 566, and 624. Had I been present, I would have voted "Aye" on all.

MICHAEL W. CONNOLLY

**ALSO:**

**MADAM PRESIDENT:** I was necessarily absent from the Senate chamber on April 9, 2001, when the votes were taken on House Files 309, 569, 636. Had I been present, I would have voted "Aye" on all. Also, I was necessarily absent from the Senate chamber on April 9, 2001, when the vote was taken on House File 628. Had I been present, I would have voted "Nay" on House File 628.

JOHN P. KIBBIE

**AMENDMENTS FILED**

S-3307	S.F. 417	Jack Holveck
S-3308	H.F. 519	Jack Holveck

S-3309	H.F.	561	Merlin E. Bartz
S-3310	S.F.	515	Michael E. Gronstal Stewart Iverson, Jr.
S-3311	H.F.	502	Sandra Greiner
S-3312	H.F.	519	Jack Holveck
S-3313	H.F.	637	Patricia Harper Johnie Hammond Robert E. Dvorsky Matt McCoy Steven D. Hansen Bill Fink Eugene S. Fraise John P. Kibbie Betty A. Soukup E. Thurman Gaskill Jack Holveck Mary Lou Freeman Mary A. Lundby Wally E. Horn Mike Connolly Merlin E. Bartz Mark Shearer Michael E. Gronstal Dick L. Dearden Derryl McLaren O. Gene Maddox Thomas Fiegen Tom Flynn Dennis H. Black Patrick J. Deluhery Joe Bolkcom Maggie Tinsman
S-3314	H.F.	567	Steven D. Hansen Jerry Behn
S-3315	H.F.	643	Mike Connolly
S-3316	H.F.	180	JoAnn Johnson
S-3317	H.F.	356	Larry McKibben
S-3318	H.F.	643	Wally E. Horn
S-3319	H.F.	579	Joe Bolkcom

# JOURNAL OF THE SENATE

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NINETY-THIRD CALENDAR DAY  
FIFTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 10, 2001

The Senate met in regular session at 9:02 a.m., President Kramer presiding.

Prayer was offered by the Reverend Nancy Solomonson, pastor of Our Savior's Lutheran Church in Cedar Rapids, Iowa, guest of Senator Flynn.

The Journal of Monday, April 9, 2001, was approved.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 9, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 94**, a bill for an act creating a new criminal offense of escape from custody by a sexually violent predator civilly committed to confinement and providing a penalty.

**Senate File 102**, a bill for an act relating to charitable gift annuities, by providing for notice and filing requirements and providing for penalties.

**Senate File 347**, a bill for an act eliminating court costs and filing and service fees for plaintiffs seeking relief from domestic abuse.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Redwine, until he arrives, on request of Senator Iverson; Senators Behn and Maddox, until they arrive, on request of Senator Bartz; and Senators Dearden, Hansen, and McCoy, until they arrive, on request of Senator Fink.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Linda Hopkins, Accountancy Examining Board  
Susan Loy, Accountancy Examining Board  
Wesley Stille, Accountancy Examining Board

Gayle Collins, Alcoholic Beverages Commission  
Dick Stoffer, Alcoholic Beverages Commission

Dale McKinney, Architectural Examining Board  
Susan McKinney, Architectural Examining Board

Lori Clayton, Board of Examiners for Athletic Training

Stuart Preston, Board of Barber Examiners

James Anastasi, Board of Behavioral Science Examiners  
Judith Roddy, Board of Behavioral Science Examiners  
Vilia Tarvydas, Board of Behavioral Science Examiners

Rod Rebarcak, Board of Chiropractic Examiners

Constance Gronstal, Iowa State Civil Rights Commission  
Maria Waterman, Iowa State Civil Rights Commission

William Billings, Commission on Community Action Agencies  
Catherine Whitfield, Commission on Community Action Agencies

Suellen Overton, Board of Corrections  
Donald Tietz, Board of Corrections

Mary Myers, Board of Cosmetology Arts and Sciences Examiners

Gisele-Jill Marlow, County Finance Committee

Kay Swanson, County Finance Committee

Becky Hansen, Credit Union Review Board

Diane Kollasch, Credit Union Review Board

James E. Forney, Superintendent of Credit Unions

Monica Murray, Criminal and Juvenile Justice Planning Advisory Council

Marvin Tuttle, Commission on the Deaf

George North, Board of Dental Examiners

Richard Reay, Board of Dental Examiners

Jean Anderson, Board of Dietetic Examiners

Pamela Dettmann, Iowa Drug Policy Advisory Council

Dimaggio Nichols, Iowa Economic Development Board

Jack Sickler, Iowa Economic Development Board

Thomas Paulsen, Board of Educational Examiners

Jean Seeland, Board of Educational Examiners

Anita Westerhaus, Board of Educational Examiners

Harold Davis, Commission of Elder Affairs

Clemmie Hightower, Commission of Elder Affairs

Jennifer Lightbody, Iowa Empowerment Board

Carolyn Olson-Illg, Iowa Empowerment Board

Elaine Szymoniak, Iowa Empowerment Board

Diana Hoogestraat, Engineering and Land Surveying Examining Board

Dennis Osipowicz, Engineering and Land Surveying Examining Board

Lori Glanzman, Environmental Protection Commission  
Darrell Hanson, Environmental Protection Commission  
Kathryn Murphy, Environmental Protection Commission  
James Tobin, Environmental Protection Commission  
Terrance Townsend, Environmental Protection Commission

Larry Nuss, State Citizen Foster Care Review Board  
Lil Perry, State Citizen Foster Care Review Board

Gary Butz, Health Facilities Council

Michael Smith, Board for the Licensing and Regulation of Hearing  
Aid Dealers

Michael Wolnerman, Board for the Licensing and Regulation of  
Hearing Aid Dealers

Roger Hartman, Council on Human Services  
James Miller, Council on Human Services

Roger Caudron, Iowa Finance Authority  
Richard Wright, Iowa Finance Authority

Ann Hutchinson, Investment Board of the IPERS  
Bruce Kelley, Investment Board of the IPERS  
Joanne Stockdale, Investment Board of the IPERS

Constance Birmingham, State Judicial Nominating Commission  
Thomas Courtney, State Judicial Nominating Commission

Jon Crose, Landscape Architectural Examining Board  
Grace Nelson, Landscape Architectural Examining Board

Thomas Lillquist, Iowa Law Enforcement Academy Council

Jeanine Grady, Board of Massage Therapy Examiners

John Brinkman, Board of Medical Examiners  
Michael Byrne, Board of Medical Examiners

Sally Alt, Mental Health and Developmental Disabilities  
Commission

Michael Bergan, Mental Health and Developmental Disabilities Commission

Murlean Hall, Mental Health and Developmental Disabilities Commission

Judy Clark, Mental Health Risk Pool

Ralph Kremer, Mental Health Risk Pool

Sally Stutsman, Mental Health Risk Pool

Ronald Hofbauer, Board of Mortuary Science Examiners

Ricard Porter, Board of Mortuary Science Examiners

Janice Marcantonio, Natural Resource Commission

Joan Schneider, Natural Resource Commission

Linda Brady, Board of Nursing Examiners

Merlin Hulse, Board of Nursing Examiners

William Miller, Board of Nursing Examiners

Claudia Boeding, State Board of Examiners for Nursing Home Administrators

Judy Weller, State Board of Examiners for Nursing Home Administrators

Christopher Olson, Board of Optometry Examiners

Curtis Jenkins, Board of Parole

Rogers Kirk, Board of Parole

James Holcomb, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

G. Kay Bolton, Board of Pharmacy Examiners

Michael Seifert, Board of Pharmacy Examiners

Cheryl Stewart, Board of Physical and Occupational Therapy Examiners

Martin Unga, Board of Physical and Occupational Therapy Examiners

Kurt Walderbach, Board of Physical and Occupational Therapy Examiners

James Cunningham, Board of Physician Assistant Examiners

Eric Jensen, Board of Podiatry Examiners

Kim Lozier, Board of Podiatry Examiners

Matthew Wilber, Board of Podiatry Examiners

Daniel Courtney, Board of Psychology Examiners

Michael Mahaffey, State Racing and Gaming Commission

Richard Bruce, Real Estate Appraiser Examining Board

Richard Koestner, Real Estate Appraiser Examining Board

William Motz, State Board for Respiratory Care

Clark Yeager, School Budget Review Committee

Allison Deluhery, Small Business Advisory Council

Nicholas Henderson, Small Business Advisory Council

Douglas LaBounty, Small Business Advisory Council

Lance Clemsen, Board of Social Work Examiners

Janice McCoy, Board of Social Work Examiners

Jennifer Oman, Board of Social Work Examiners

Joyce Westphal, Board of Social Work Examiners

Madeline Meyer, State Soil Conservation Commission

Mark Schouten, Iowa Telecommunications and Technology  
Commission

Berneil Preul, Title Guaranty Division Board

Lynn Smith, Title Guaranty Division Board

Sharon Wellendorf, Commission on Tobacco Use Prevention and  
Control

Patricia Crawford, State Transportation Commission

Thomas Hart, State Transportation Commission

Gregg Connell, Vision Iowa Board

Jerry Kearns, Vision Iowa Board  
 LaMetta Wynn, Vision Iowa Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 44:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Behn	Dearden	Hansen	Maddox
McCoy	Redwine		

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of David Carlyle, as a member of the Commission on Tobacco Use Prevention and Control, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 946 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Behn	Maddox	McCoy	Redwine
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Courtney Kay-Decker, as a member of the State Board of Tax Review, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Ayes, 46:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Behn	Maddox	McCoy	Redwine
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Kenneth Lowder, as a member of the Board of Speech Pathology and Audiology Examiners, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Behn	Maddox	McCoy	Redwine
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Laura Johnson, as a member of the Board of Speech Pathology and Audiology Examiners, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Behn	Redwine
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### DEFERRAL OF APPOINTEE (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Allan Thoms, as a member of the Utilities Board, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 928 of the Senate Journal.

Senator Gronstal asked and received unanimous consent that action on the appointment of Allan Thoms be **deferred**.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Dorothy Woline, as a member of the Real Estate Commission, placed on the Individual

Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Behn	Redwine
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:29 a.m. until 2:00 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:34 p.m., President Kramer presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator Bartz.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 178, 469, 259, and 270.

**House File 178**

On motion of Senator Boettger, **House File 178**, a bill for an act applying child in need of assistance and child abuse provisions to a child whose parent or guardian or the person responsible for the child's care has manufactured or possessed a dangerous substance in a child's presence, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 178), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Jensen	Redwine
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 469

On motion of Senator Veenstra, **House File 469**, a bill for an act requiring agricultural equipment suppliers to repurchase certain items upon termination of an agricultural equipment dealership agreement, with report of committee recommending passage, was taken up for consideration.

Senator Fiegen offered amendment S-3329, filed by him from the floor to page 1 of the bill.

Senator Fiegen withdrew amendment S-3329.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 469), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Redwine

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 259

On motion of Senator Maddox, **House File 259**, a bill for an act relating to the duties and office of the secretary of state in commissioning notarial officers, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 259), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 270

On motion of Senator Rehberg, **House File 270**, a bill for an act striking certain filing requirements related to campus crime statistics and sexual abuse policies, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 270), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 178, 259, 270, and 469** be **immediately messaged** to the House.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Diane Kolmer, as a member of the Information Technology Council, placed on the Individual Confirmation Calendar on March 26, 2001, and found on page 832 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Deborah A. O’Leary, as Administrator of the Policy and Planning Division of the Department of Information Technology, placed on the Individual Confirmation Calendar on March 22, 2001, and found on page 802 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern

Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Russell F. Rozinek, as Administrator of the Operations Division of the Department of Information Technology, placed on the Individual Confirmation Calendar on March 22, 2001, and found on page 802 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Sharon K. Sperry, as Administrator of the Customer Liaison Division of the Department of Information Technology, placed on the Individual Confirmation Calendar on March 22, 2001, and found on page 802 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Sandra L. Dell, as Administrator of the Administration Division of the Department of Information Technology, placed on the Individual Confirmation Calendar on March 22, 2001, and found on page 802 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Daniel A. Combs, as Administrator of the Digital Government Bureau of the Department of Information Technology, placed on the Individual Confirmation Calendar on March 22, 2001, and found on page 802 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer

Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 294.

#### **House File 294**

On motion of Senator Tinsman, **House File 294**, a bill for an act relating to contracts and compensation that benefit a member of the board of directors of a school district, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 294), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 294** be **immediately messaged** to the House.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Cynthia Beauman, as a member of the Health Facilities Council, placed on the Individual Confirmation Calendar on April 3, 2001, and found on page 962 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

**BUSINESS PENDING**  
(Individual Confirmation Calendar)

The Senate resumed consideration of the appointment of Allan Thoms, as a member of the Utilities Board, previously deferred.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hansen
Harper	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 2:

Hammond                      Holveck

Absent or not voting, none.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

**REFUSAL OF GOVERNOR'S APPOINTMENT**  
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of LaVon Griffieon, as a member of the City Development Board, placed on the Individual Confirmation Calendar on March 22, 2001, and found on page 781 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 32:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Dvorsky	Fiegen	Fink	Fraise
Freeman	Hammond	Harper	Holveck
Jensen	Kibbie	King	Lamberti
Lundby	McCoy	McKean	McKibben
McKinley	Miller	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup

Nays, 16:

Deluhery	Drake	Flynn	Gaskill
Gronstal	Hansen	Horn	Iverson
Johnson	Kramer	Maddox	Redfern
Redwine	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Greiner	McLaren
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The appointee, having failed to receive a two-thirds vote, was declared to have been **refused confirmation** by the Senate.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 301.

#### **House File 301**

On motion of Senator Angelo, **House File 301**, a bill for an act establishing a rural fire protection program and limiting the liability of rural water districts and associations in connection with the provision of water for fire protection, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 301), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sexton, until he returns, on request of Senator McKibben.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 356 and 383.

#### House File 356

On motion of Senator McKibben, **House File 356**, a bill for an act relating to administrative and corrective changes to the workers'

compensation law, with report of committee recommending passage, was taken up for consideration.

Senator McKibben offered amendment S-3317, filed by him on April 9, 2001, to page 4 of the bill, and moved its adoption.

Amendment S-3317 was adopted by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 356), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Sexton

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 383

On motion of Senator Lamberti, **House File 383**, a bill for an act relating to the designation of model communities in projects, pilot projects, or similar initiatives undertaken by the governor or the executive branch, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 383), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 3:

Fiegen	Kibbie	Shearer
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Absent or not voting, 1:

Sexton

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 301, 356, and 383** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 341.

## House File 341

On motion of Senator Redwine, **House File 341**, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

(Action on House File 341 was deferred.)

The Senate stood at ease at 4:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:56 p.m., President Kramer presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rittmer, until he returns, on request of Senator Greiner.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 458 and 581.

## House File 458

On motion of Senator Boettger, **House File 458**, a bill for an act extending the statute of limitations period for filing a criminal charge of incest, with report of committee recommending passage, was taken up for consideration.

Senator Boettger offered amendment S-3265, filed by her on March 27, 2001, to the title page of the bill, and moved its adoption.

Amendment S-3265 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 458), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Schuerer	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Rittmer	Sexton
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### House File 581

On motion of Senator McLaren, **House File 581**, a bill for an act relating to the size of drainage or levee districts having election districts and requesting an interim study, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McLaren offered amendment S-3295, filed by the committee on Agriculture on April 3, 2001, to page 1 and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 25, nays 24.

Amendment S-3295 was adopted.

Senator McLaren 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. 581), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Sexton

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

President Pro Tempore McKean took the chair at 5:13 p.m.

## UNFINISHED BUSINESS (Deferred April 9, 2001)

### House File 635

The Senate resumed consideration of **House File 635**, a bill for an act providing that certain employees are not entitled to compensation for time spent traveling to and from the worksite, deferred April 9, 2001.

Senator Dearden offered amendment S-3325, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3325 be adopted?” (H.F. 635), the vote was:

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Rittmer
Shearer	Soukup	Tinsman	

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Schuerer
Veenstra	Zieman		

Absent or not voting, 1:

Sexton

Amendment S–3325 lost.

President Kramer took the chair at 5:35 p.m.

Senator King asked and received unanimous consent that action on **House File 635** be **deferred**.

UNFINISHED BUSINESS  
(Deferred April 9, 2001)

**House File 561**

The Senate resumed consideration of **House File 561**, a bill for an act repealing the requirement to fly a flag or pennant on an all-terrain vehicle or snowmobile when operating on a public road or street, and amendment S–3296, deferred April 9, 2001. (Amendment S–3309 to amendment S–3296 pending.)

Senator Behn offered amendment S-3328, filed by Senators Behn, Flynn, and Boettger from the floor to page 1 of amendment S-3296, and moved its adoption.

Amendment S-3328 was adopted by a voice vote.

With the adoption of amendment S-3328, the Chair ruled the following amendments to amendment S-3296, out of order:

S-3309, previously deferred; and

S-3327, filed by Senators Behn, Flynn, and Boettger from the floor to page 1 of amendment S-3296.

Senator Bartz moved the adoption of amendment S-3296, as amended, which motion prevailed by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 561), the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Boettger
Bolkcom	Connolly	Dearden	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hansen	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Shearer	Soukup	Veenstra	Zieman

Nays, 9:

Black	Deluhery	Drake	Dvorsky
Fiegen	Hammond	Harper	Maddox
Tinsman			

Absent or not voting, 1:

Sexton

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 10, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 567**, a bill for an act providing for a legal risk waiver in interstate adoptions.

ALSO: That the House has on April 10, 2001, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 410**, a bill for an act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources. (S-3335)

**Senate File 433**, a bill for an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty. (S-3336)

ALSO: That the House has on April 10, 2001, **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 324**, a bill for an act relating to transportation, including provisions on road projects, vehicle sales, movement, and reports, and mailing of notices, and providing a penalty and an effective date. (S-3334)

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 324

Senator Drake called up for consideration **House File 324**, a bill for an act relating to transportation, including provisions on road projects, vehicle sales, movement, and reports, and mailing of notices,

and providing a penalty and an effective date, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-3334 to Senate amendment H-1380, filed April 10, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Drake 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. 324), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Sexton

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 324, 458, 561, and 581** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:15 p.m. until 9:00 a.m. Wednesday, April 11, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 10, 2001

#### DEPARTMENT OF GENERAL SERVICES

Annual Report FY 2000 (July 1, 1999 to June 30, 2000).

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

East Marshall High School Jazz Band Director Ron Ferneau — For winning the Class 2A 2001 Iowa Jazz Championship. Senator McKibben (04/10/01).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifth grade students from Cody Elementary School in LeClaire, Iowa, accompanied by Kitty Miller and Sonia Vogel. Senators Rittmer and Tinsman.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** April 10, 2001, 10:05 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; and Harper.

**Members Absent:** Redwine (excused).

**Committee Business:** Discussed the Governor's proposed DHS budget reductions.

**Recessed:** 10:06 a.m.

**Reconvened:** 10:42 a.m.

**Adjourned:** 11:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** April 10, 2001, 10:35 a.m.

**Members Present:** Jensen, Chair; Soukup, Ranking Member; Connolly and McKibben.

**Members Absent:** Lamberti, Vice Chair (excused).

**Committee Business:** Discussion on the revised budget proposals.

**Adjourned:** 11:03 a.m.

**WAYS AND MEANS**

**Convened:** April 10, 2001, 1:07 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, and Rehberg.

**Members Absent:** Redwine (excused).

**Committee Business:** Approved SSB 1258 and passed SF 290 (as amended).

**Adjourned:** 2:26 p.m.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 35**, by King, a Senate resolution recognizing Task Force Charlie of the Iowa Army National Guard for its dedication and outstanding performance of duty.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**STUDY BILL RECEIVED**

**SSB 1260      Ways and Means**

Relating to the size of an estate that may be distributed by affidavit, making related inheritance tax changes, and providing for the Act's applicability.

## SUBCOMMITTEE ASSIGNMENT

## SSB 1260

WAYS AND MEANS: Miller, Chair; Holveck and Maddox

## COMMITTEE REPORT

## LOCAL GOVERNMENT

**Final Bill Action:** \*HOUSE FILE 582, a bill for an act relating to the division and development of land by amending provisions relating to subdivision plats and plats of survey and relating to annexation and other boundary adjustments, and providing for the Act's applicability.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3321.

**Final Vote:** Ayes, 9: Miller, Angelo, Bartz, Black, Fraise, Johnson, McKibben, Schuerer, and Zieman. Nays, 2: Hansen and McCoy. Absent or not voting, 2: Gaskill and Horn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on House File 582, and they were attached to the committee report.

## WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on April 10, 2001:

I submitted the name of Teresa Rohret to serve on the State Citizen Foster Care Review Board on March 15, 2001. I am withdrawing her name from further consideration by the Senate.

Thank you.

Sincerely,  
THOMAS J. VILSACK  
Governor

## AMENDMENTS FILED

S-3320

H.F. 519

Andy McKean  
David Miller

			Betty A. Soukup
			Thomas Fiegen
S-3321	H.F.	582	Local Government
S-3322	H.F.	341	Maggie Tinsman
S-3323	H.F.	341	Johnie Hammond
S-3324	H.F.	341	Johnie Hammond
S-3325	H.F.	635	Dick L. Dearden
S-3326	H.F.	341	Joe Bolkcom
S-3327	H.F.	561	Jerry Behn
			Tom Flynn
			Nancy Boettger
S-3328	H.F.	561	Jerry Behn
			Tom Flynn
			Nancy Boettger
S-3329	H.F.	469	Thomas Fiegen
S-3330	H.F.	389	Mike Connolly
S-3331	H.F.	73	Tom Flynn
			Steve King
			Dennis H. Black
S-3332	H.F.	341	Betty A. Soukup
S-3333	H.F.	341	Mark Shearer
S-3334	H.F.	324	House
S-3335	S.F.	410	House
S-3336	S.F.	433	House

# JOURNAL OF THE SENATE

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NINETY-FOURTH CALENDAR DAY  
FIFTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 11, 2001

The Senate met in regular session at 9:06 a.m., President Kramer presiding.

Prayer was offered by the Reverend Judy Flanegin, pastor of the Silver Creek Church and United Methodist Church in Hancock, Iowa, guest of Senator Boettger.

The Journal of Tuesday, April 10, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gaskill, McKibben, and Sexton, until they arrive, on request of Senator Miller; Senator Holveck, until he arrives, on request of Senator Bolkcom; Senator Deluhery, until he arrives, on request of Senator Connolly; and Senator Black, until he arrives, on request of Senator Dvorsky.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Anita Walker Jessen, Director of the Department of Cultural Affairs

Terrance Duggan, Iowa Economic Development Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Greiner	Gronstal
Hammond	Hansen	Harper	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Black	Deluhery	Gaskill	Holveck
McKibben	Sexton		

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Gilberto Solivan, as a member of the Iowa State Civil Rights Commission, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKinley	McLaren	Miller	Redfern

Redwine	Rehberg	Rittmer	Schuerer
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Black	Deluhery	Gaskill	McKibben
Sexton			

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Richard G. Moore, as Administrator of the Division of Criminal and Juvenile Justice Planning, placed on the Individual Confirmation Calendar on March 28, 2001, and found on page 908 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 1:

McKean

Absent or not voting, 4:

Deluhery	Gaskill	McKibben	Sexton
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Usha Balakrishnan, as a member of the Iowa Economic Development Board, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Gaskill	McKibben
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, until he returns, on request of Senator Greiner.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Ying Ying Chen, as a member of the Board of Educational Examiners, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 946 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Bartz	Deluhery	Gaskill	McKibben
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate

Senator Iverson called up the appointment of Susan Lagneaux, as a member of the Iowa Emergency Response Commission, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Gaskill	McKibben
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### MOTIONS TO RECONSIDER WITHDRAWN

Senators Hammond and Kibbie asked and received unanimous consent to withdraw their motions to reconsider the vote by which the confirmation of Allan Thoms was approved by the Senate on April 2, 2001.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Lisa Davis Cook, as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 22, 2001, and found on page 781 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, 1:

Johnson

Absent or not voting, 4:

Deluhery	Gaskill	McKibben	Shearer
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Edwin Hershberger, as a member of the Iowa Grain Indemnity Fund Board, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 946 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer

Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Deluhery	Gaskill	McKibben	Shearer
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, until he returns, on request of Senator Flynn.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Timothy Tutt, as a member of the Iowa State Civil Rights Commission, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Deluhery

Gaskill

McKibben

Shearer

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:35 a.m. until 1:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:02 p.m., President Pro Tempore McKean presiding.

## QUORUM CALL

Senator Boettger requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent, and a quorum present.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 23, a concurrent resolution encouraging state and local governments, business interests, health care professionals, and individuals with an interest in good health to help educate the public regarding osteoporosis prevention, detection, and treatment, and designating April 12, 2001, as Osteoporosis Awareness Day.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 23.

**Senate Concurrent Resolution 23**

On motion of Senator Johnson, **Senate Concurrent Resolution 23**, a concurrent resolution encouraging state and local governments, business interests, health care professionals, and individuals with an interest in good health to help educate the public regarding osteoporosis prevention, detection, and treatment, and designating April 12, 2001, as Osteoporosis Awareness Day, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Concurrent Resolution 23, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 23** be **immediately messaged** to the House.

The Senate stood at ease at 2:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:40 p.m., President Kramer presiding.

QUORUM CALL

Senator Veenstra requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, until he returns, on request of Senator Gronstal.

## UNFINISHED BUSINESS

**Senate File 514**

On motion of Senator McKibben, **Senate File 514**, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability, placed on the Unfinished Business Calendar on April 5, 2001, was taken up for consideration.

Senator Harper offered amendment S-3341, filed by Senator Harper, et al., from the floor striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3341 be adopted?" (S.F. 514) the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Maddox	McCoy	McLaren	Soukup
Tinsman	Veenstra		

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Shearer	Zieman		

Absent or not voting, 2:

Fink	Rittmer
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Amendment S-3341 lost.

Senator McKibben offered amendment S-3343, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3343 was adopted by a voice vote.

Senator Iverson asked and received unanimous consent that action on **Senate File 514** be **deferred**.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:47 p.m. until 9:00 a.m. Thursday, April 12, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 11, 2001

#### DEPARTMENT OF MANAGEMENT

Claims denied by the State Appeal Board — supplement to the filing of January 11, 2001.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Tyler Burnham, Sergeant Bluff — For achieving the rank of Eagle Scout. Senator Redwine (04/11/01).

Leta Martin, Dubuque — For celebrating your 100th birthday on May 16, 2001. Senator Flynn (04/11/01).

Micah Muller, Sioux City — For achieving the rank of Eagle Scout. Senator Redwine (04/11/01).

### GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

#### EDUCATION

Peter Hathaway – Board of Educational Examiners

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** April 11, 2001, 9:47 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Discussion of the appropriations bill. Speakers Patty Judge, Secretary of Agriculture, and Jeffrey Vonk, director nominee for the DNR.

**Adjourned:** 11:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** April 11, 2001, 10:05 a.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Flynn, Ranking Member; Hansen and Ziemann.

**Members Absent:** None.

**Committee Business:** Discussed FY 2002 budget.

**Adjourned:** 10:25 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** April 11, 2001, 9:45 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; and McKinley.

**Members Absent:** Fiegen, Ranking Member; and Holveck (both excused).

**Committee Business:** Discussed FY 2002 budget.

**Adjourned:** 9:51 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** April 11, 2001, 9:48 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolckcom, Ranking Member; Dearden, and Rittmer.

**Members Absent:** None.

**Committee Business:** Discussed the appropriations bill.

**Recessed:** 10:45 a.m.

**Reconvened:** 11:05 a.m.

**Adjourned:** 11:22 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

**Convened:** April 11, 2001, 10:04 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Deluhery, Ranking Member; Freeman and Shearer.

**Members Absent:** None.

**Committee Business:** Presentation on the establishment of fees for electronic information retrieval. Discussion of proposed appropriations bill.

**Adjourned:** 10:59 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** April 11, 2001, 9:47 a.m.

**Members Present:** Jensen, Chair; Soukup, Ranking Member; and Connolly.

**Members Absent:** Lamberti, Vice Chair; and McKibben (both excused).

**Committee Business:** Reviewed Governor's revised budget.

**Adjourned:** 10:41 a.m.

**EDUCATION**

**Convened:** April 11, 2001, 1:48 p.m.

**Members Present:** Boettger, Chair; Rehberg, Vice Chair; Dvorsky, Fink, Harper, McKinley, Redfern, and Veenstra.

**Members Absent:** Connolly, Ranking Member; Angelo, Kramer, Redwine, Shearer, Soukup, and Tinsman (all excused).

**Committee Business:** Approved Governor's appointee.

**Adjourned:** 1:50 p.m.

**RULES AND ADMINISTRATION**

**Convened:** April 11, 2001, 1:34 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean.

**Members Absent:** Fink and Rittmer (both excused).

**Committee Business:** Passed SCRs 18, 19, and 23. Passed SRs 23, 24, 25, 27, 28, 30, 32, 34, and 35.

**Adjourned:** 1:38 p.m.

## INTRODUCTION OF BILL

**Senate File 519**, by committee on Ways and Means, a bill for an act relating to the assessment for property tax purposes of certain affordable housing for low-income individuals and families.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

## COMMITTEE REPORTS

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 18, a concurrent resolution honoring Brigadier General John A. Tymeson upon the occasion of his retirement.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 19, a concurrent resolution urging the Congress of the United States and the United States Department of Agriculture to provide increased federal moneys for purposes of supporting enhanced surveillance expenses as part of a pseudorabies eradication program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 23, a Senate resolution designating May 3, 2001, as statewide Prayer Day.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 24, a Senate resolution honoring Iowa's collegiate athletes, coaches, and coaching staff.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 25, a Senate resolution honoring the Iowa State University football team and Coach Dan McCarney.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 27, a Senate resolution honoring the Drake Women's Basketball Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 28, a Senate resolution honoring the Iowa State Cyclones Men's Basketball Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 30, a Senate resolution congratulating the Iowa State Cyclones Women's Basketball Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 32, a Senate resolution congratulating Maytag Corporation on being named an Energy Star Partner of the Year.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 34, a Senate resolution honoring the University of Iowa Women's Basketball Team and Coach Lisa Bluder.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 35, a Senate resolution recognizing Task Force Charlie of the Iowa Army National Guard for its dedication and outstanding performance of duty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 2: Fink and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 519 (SSB 1258), a bill for an act relating to the assessment for property tax purposes of certain affordable housing for low-income individuals and families.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Flynn, Holveck, Lamberti, Maddox, Miller, and Rehberg. Nays, 1: Greiner. Absent or not voting, 2: Drake and Redwine.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## MOTION TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3341 to Senate File 514 failed to be adopted by the Senate on April 11, 2001.

MARY A. LUNDBY

## AMENDMENTS FILED

S-3337	H.F. 656	John W. Jensen
S-3338	H.F. 656	John W. Jensen
S-3339	S.F. 512	Mary A. Lundby
S-3340	S.F. 514	Patricia Harper
S-3341	S.F. 514	Patricia Harper
		Maggie Tinsman
		Johnie Hammond
		Patrick J. Deluhery
		Ken Veenstra
		O. Gene Maddox
		Betty A. Soukup
		Mary A. Lundby
		Derryl McLaren
		Joe Bolkcom
		John W. Jensen
		Michael E. Gronstal
S-3342	S.F. 514	O. Gene Maddox
S-3343	S.F. 514	Larry McKibben
S-3344	S.F. 514	John P. Kibbie
S-3345	S.F. 514	Merlin E. Bartz
S-3346	S.F. 514	Kitty Rehberg

# JOURNAL OF THE SENATE

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NINETY-FIFTH CALENDAR DAY  
FIFTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 12, 2001

The Senate met in regular session at 9:03 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Reverend Chuck Landon, pastor of the Churches United in Rock Island, Illinois, guest of Senator Deluhery.

The Journal of Wednesday, April 11, 2001, was approved.

## HOUSE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that the following House Files be placed on the Unfinished Business Calendar:

H.C.R.	24	H.F.	526	H.F.	662
H.F.	73	H.F.	535	H.F.	663
H.F.	180	H.F.	550	H.F.	669
H.F.	229	H.F.	564	H.F.	670
H.F.	271	H.F.	579	H.F.	674
H.F.	304	H.F.	582	H.F.	680
H.F.	310	H.F.	590	H.F.	686
H.F.	326	H.F.	598	H.F.	687
H.F.	349	H.F.	623	H.F.	692
H.F.	354	H.F.	629	H.F.	694
H.F.	382	H.F.	637	H.F.	695
H.F.	384	H.F.	647	H.F.	697
H.F.	389	H.F.	654		
H.F.	403	H.F.	655		

### QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent, and a quorum present.

The Senate stood at ease at 9:17 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:05 a.m., President Kramer presiding.

### RECESS

On motion of Senator Iverson, the Senate recessed at 10:06 a.m. until 2:00 p.m.

**APPENDIX****REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** April 12, 2001, 10:35 a.m.

**Members Present:** Schuerer, Chair; Hansen and Ziemann.

**Members Absent:** Bartz, Vice Chair; and Flynn, Ranking Member (both excused).

**Committee Business:** Distributed proposed appropriations bill.

**Adjourned:** 10:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** April 12, 2001, 10:30 a.m.

**Members Present:** Behn, Chair; Miller, Vice Chair; Fiegen, Ranking Member; Holveck and McKinley.

**Members Absent:** None.

**Committee Business:** Passed the subcommittee appropriations bill.

**Adjourned:** 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** April 12, 2001, 10:25 a.m.

**Members Present:** Angelo, Chair; McKean, Vice Chair; Dvorsky, Ranking Member; Fraise and Maddox.

**Members Absent:** None.

**Committee Business:** Passed LSBs 1107JA and 1108JA.

**Recessed:** 10:40 a.m.

**Reconvened:** 10:45 a.m.

**Adjourned:** 12:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** April 12, 2001, 10:23 a.m.

**Members Present:** Jensen, Chair; Lamberti, Vice Chair; Connolly, and McKibben.

**Members Absent:** Soukup, Ranking Member (excused).

**Committee Business:** Passed the subcommittee appropriations bill.

**Adjourned:** 11:02 a.m.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 36**, by Redfern and Harper, a Senate resolution congratulating the University of Northern Iowa Panthers Women's Basketball Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILL

**Senate File 520**, by committee on Ways and Means, a bill for an act relating to the property tax exemption for methane gas and other gas conversion property and providing a retroactive applicability date and an effective date.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

## COMMITTEE REPORT

### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 520 (formerly SF 290), a bill for an act relating to the property tax exemption for methane gas and other gas conversion property and providing a retroactive applicability date and an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, and Rehberg. Nays, none. Absent or not voting, 1: Redwine.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 12th day of April, 2001:

Senate Files 94 and 102.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AFTERNOON SESSION

The Senate reconvened at 2:20 p.m., President Kramer presiding.

## QUORUM CALL

Senator Bartz requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 10, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 479**, a bill for an act relating to wastewater systems, establishing a fund, appropriating moneys from the fund, and providing an effective date.

ALSO: That the House has on April 11, 2001, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 114**, a bill for an act relating to the composition of the medical assistance advisory council. (S-3348)

**Senate File 355**, a bill for an act providing for the transfer of custody and termination of parental rights for a newborn infant whose parent voluntarily surrenders physical custody at certain health facilities and providing for immunity from prosecution for child abandonment crimes for such parent, establishing confidentiality protections and a penalty, and providing an effective date. (S-3347)

**Senate File 452**, a bill for an act requiring the use of a uniform prescription drug information card by providers of third-party payment or prepayment of prescription drug expenses. (S-3350)

## RECESS

On motion of Senator Iverson, the Senate recessed at 2:39 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 2:41 p.m., President Kramer presiding.

Senator Iverson asked and received unanimous consent to add Peter Hathaway to the list of eligible appointees on the En Bloc Confirmation Calendar.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Robert Tyson, Commission on the Status of African-Americans

John Wellman, Commission for the Blind

Peter Hathaway, Board of Educational Examiners

Matthew Mohrfeld, Iowa Empowerment Board

Connie Bear King, State Citizen Foster Care Review Board

Nancy Evans, Iowa Finance Authority

Patty Link, Iowa Law Enforcement Academy Council

Nate Parker, Iowa Lewis and Clark Bicentennial Commission

Richard Campbell, Mental Health and Disabilities Commission

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 36, a Senate resolution congratulating the University of Northern Iowa Panthers Women's Basketball Team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Gaskill.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 36.

### Senate Resolution 36

On motion of Senator Redfern, **Senate Resolution 36**, a Senate resolution congratulating the University of Northern Iowa Panther

Women's Basketball Team, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 36, which motion prevailed by a voice vote.

### SPECIAL GUESTS

Senator Redfern welcomed the University of Northern Iowa Women's Basketball Team and coaching staff. Head Coach Tony DiCecco addressed the Senate with brief remarks. The Senate rose and expressed its welcome.

The Senate stood at ease at 2:50 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:29 p.m., President Pro Tempore McKean presiding.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 2001, **adopted** the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 23**, a concurrent resolution encouraging state and local governments, business interests, health care professionals, and individuals with an interest in good health to help educate the public regarding osteoporosis prevention, detection, and treatment, and designating April 12, 2001, as Osteoporosis Awareness Day.

ALSO: That the House has on April 12, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 372**, a bill for an act relating to the powers and duties of the county recorder relating to the recording and keeping of documents.

**Senate File 453**, a bill for an act relating to the administrative procedures of certain county officers by authorizing the issuance of checks, providing for the cancellation of warrants and checks, the disposal of tax lists, and the receipt of electronic payments, specifying tax sale costs and the mailing address for changes of titles and deeds, providing for other properly related matters, and providing an effective date.

**Senate File 465**, a bill for an act creating a fund for the use of the state department of transportation to purchase soydiesel fuel for use in its vehicles and providing an effective date.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 3:31 p.m. until the completion of a meeting of the committee on Rules and Administration.

#### RECONVENED

The Senate reconvened at 3:34 p.m., President Pro Tempore McKean presiding.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bartz, Hansen, and Kramer, until they return, on request of Senator Iverson.

#### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Michael L. Tramontina, as Executive Director of the Iowa Finance Authority, placed on the Individual Confirmation Calendar on March 14, 2001, and found on page 648 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Bartz	Hansen	Kramer
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of John Taylor, as a member of the State Judicial Nominating Commission, placed on the Individual Confirmation Calendar on April 5, 2001, and found on page 994 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Bartz                      Hansen                      Kramer

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Ruth Kammeier, as a member of the Commission on Judicial Qualifications, placed on the Individual Confirmation Calendar on April 5, 2001, and found on page 993 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Hansen                      Kramer

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

UNFINISHED BUSINESS  
(Deferred April 11, 2001)

**Senate File 514**

The Senate resumed consideration of **Senate File 514**, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability, deferred April 11, 2001.

Senator Lundby withdrew the following motion to reconsider filed by her from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3343 to Senate File 514 was adopted by the Senate on April 11, 2001.

Senator Lundby asked and received unanimous consent to withdraw her motion to reconsider the vote by which amendment S-3341 to Senate File 514 failed to be adopted by the Senate on April 11, 2001, filed by her on April 11, 2001, and found on page 1092 of the Senate Journal.

Senator Harper asked and received unanimous consent that action on **Senate File 514** be **deferred**.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Robert Buchanan, as a member of the Board of Massage Therapy Examiners, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen

Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Hansen                      Kramer

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Amir Arbisser, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on April 5, 2001, and found on page 993 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Hansen                      Kramer

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rittmer, until he returns, on request of Senator Schuerer.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Dale Holdiman, as a member of the Board of Medical Examiners, placed on the Individual Confirmation Calendar on April 2, 2001, and found on page 947 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Hansen	Kramer	Rittmer
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Mary Ellen Becker, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on April 5, 2001, and found on page 993 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Hansen	Kramer
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Sue Nieland, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on April 5, 2001, and found on page 993 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Hansen                      Kramer

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sexton, until he returns, on request of Senator Schuerer.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Michael Gartner, as Chairperson of the Vision Iowa Board, placed on the Individual Confirmation Calendar on March 22, 2001, and found on page 802 of the Senate Journal.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden

Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Hansen	Kramer	Sexton
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 34.

#### **Senate Resolution 34**

On motion of Senator Dvorsky, **Senate Resolution 34**, a Senate resolution honoring the University of Iowa Women's Basketball Team and Coach Lisa Bluder, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 34, which motion prevailed by a voice vote.

### SPECIAL GUESTS

Senator Dvorsky welcomed the University of Iowa Women's Basketball Team and coaching staff. Head Coach Lisa Bluder addressed the Senate with brief remarks. The Senate rose and expressed its welcome.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 37**, by committee on Rules and Administration, a Senate resolution deferring action on the confirmation of an appointment submitted by the Governor.

Read first time and **placed on calendar**.

**Senate Resolution 38**, by committee on Rules and Administration, a Senate resolution deferring action on the confirmation of an appointment submitted by the Governor.

Read first time and **placed on calendar**.

## COMMITTEE REPORTS

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 37, a Senate resolution deferring action on the confirmation of an appointment submitted by the Governor.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 38, a Senate resolution deferring action on the confirmation of an appointment submitted by the Governor.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 37.

### **Senate Resolution 37**

On motion of Senator Iverson, **Senate Resolution 37**, a Senate resolution deferring action on the confirmation of an appointment submitted by the Governor, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 37, which motion prevailed by a voice vote.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 38.

### **Senate Resolution 38**

On motion of Senator Iverson, **Senate Resolution 38**, a Senate resolution deferring action on the confirmation of an appointment submitted by the Governor, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 38, which motion prevailed by a voice vote.

#### UNFINISHED BUSINESS

### **House File 389**

On motion of Senator Tinsman, **House File 389**, a bill for an act relating to the duties of the board of directors of a school district, including those related to the suspension of a practitioner by the board of directors of a school district, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Connolly offered amendment S-3330, filed by him on April 10, 2001, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3330 be adopted?” (H.F. 389), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	Rittmer	Shearer
Soukup			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Hansen	Kramer
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Amendment S-3330 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, for the remainder of the day, on request of Senator Gronstal.

## BUSINESS PENDING

### House File 389

The Senate resumed consideration of House File 389.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 389), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 1:

Dearden

Absent or not voting, 3:

Hansen	Kramer	McCoy
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 389** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:30 p.m. until 10:00 a.m. Monday, April 16, 2001.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** April 12, 2001, 10:23 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkom, Ranking Member; Dearden and Rittmer.

**Members Absent:** None.

**Committee Business:** Reviewed changes in the revised appropriations bill.

**Recessed:** 10:57 a.m.

**Reconvened:** 11:11 a.m.

**Adjourned:** 11:52 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

**Convened:** April 12, 2001, 10:28 a.m.

**Members Present:** Lundby, Chair; King, Vice Chair; Deluhery, Ranking Member; Freeman and Shearer.

**Members Absent:** None.

**Committee Business:** Amended and passed the subcommittee appropriations bill.

**Adjourned:** 11:40 a.m.

#### RULES AND ADMINISTRATION

**Convened:** April 12, 2001, 2:36 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed SRs 36, 37, and 38.

**Recessed:** 2:37 p.m.

**Reconvened:** 3:32 p.m.

**Adjourned:** 3:33 p.m.

**WAYS AND MEANS**

**Convened:** April 12, 2001, 1:08 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1254, 1255 (as amended), and 1260.

**Adjourned:** 2:06 p.m.

**PRESENTATION OF VISITORS**

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-four fifth grade students from North Cedar Elementary School in Lowden, Iowa, accompanied by Gail Freeman and Dean Behrens. Senator Fiegen's daughter, Theresa, is a student in this class. Senator Fiegen.

**MOTION TO RECONSIDER FILED**

MADAM PRESIDENT: I move to reconsider the vote by which the amendment S-3343 to Senate File 514 passed the Senate on April 11, 2001.

STEWART IVERSON, JR.

**AMENDMENTS FILED**

S-3347	S.F.	355	House
S-3348	S.F.	114	House
S-3349	H.F.	502	Merlin E. Bartz
S-3350	S.F.	452	House
S-3351	H.F.	694	Mark Ziemann Kitty Rehberg
S-3352	H.F.	577	Mike Connolly
S-3353	S.F.	514	Johnie Hammond
S-3354	H.F.	687	Richard F. Drake

# JOURNAL OF THE SENATE

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NINETY-NINTH CALENDAR DAY  
FIFTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 16, 2001

The Senate met in regular session at 10:01 a.m., Senator Bartz presiding.

Prayer was offered by the Reverend Steven Teske, pastor of the Trinity Lutheran Church in Shenandoah, Iowa, guest of Senator McLaren.

The Journal of Thursday, April 12, 2001, was approved.

RECESS

On motion of Senator Boettger, the Senate recessed at 10:04 a.m. until 2:00 p.m.

**APPENDIX****COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 16, 2001

**IOWA CIVIL RIGHTS COMMISSION**

Annual Report of the Iowa Civil Rights Commission for Fiscal Year 2000.

**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** April 12, 2001, 10:19 a.m.

**Members Present:** Gaskill, Chair; Sexton, Vice Chair; Black, Ranking Member; Fink and Greiner.

**Members Absent:** None.

**Committee Business:** Passed appropriations bill.

**Recessed:** 11:28 a.m.

**Reconvened:** 4:51 p.m.

**Adjourned:** 5:25 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** April 16, 2001, 10:09 a.m.

**Members Present:** Schuerer, Chair; Bartz, Vice Chair; Flynn, Ranking Member; and Zieman.

**Members Absent:** Hansen (excused).

**Committee Business:** Passed TLSB 1101.

**Adjourned:** 10:16 a.m.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 24**, by Iverson, Kramer, Gronstal, and Jensen, a concurrent resolution marking the completion of the Iowa State Capitol and honoring the contractors, subcontractors, artisans, skilled workers, and state employees who contributed to the effort to complete the restoration.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 521**, by committee on Ways and Means, a bill for an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**Senate File 522**, by committee on Ways and Means, a bill for an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**Senate File 523**, by committee on Ways and Means, a bill for an act relating to the size of an estate that may be distributed by affidavit, making related inheritance tax changes, and providing for the Act's applicability.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

## AFTERNOON SESSION

The Senate reconvened at 2:06 p.m., President Kramer presiding.

## QUORUM CALL

Senator Lundby requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, for the day, on request of Senator Gronstal.

## SPECIAL GUESTS

Senator Johnson welcomed the following Rotarians visiting the Senate from Argentina: Daniel Toledo, Maria Elena Ocaño De Herrero, Facundo Stamatti, Carina Mariela Perotti, and Maria Teresa Caligaris.

The Senate rose and expressed its welcome.

The Senate stood at ease at 2:16 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 2:50 p.m., President Kramer presiding.

## RECESS

On motion of Senator Iverson, the Senate recessed at 2:51 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 2:55 p.m., President Kramer presiding.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 24, a concurrent resolution marking the completion of the exterior restoration of the Iowa State Capitol and honoring the contractors, subcontractors, artisans, skilled workers, and state employees who contributed to the effort to complete the restoration.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Fink.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 24.

#### Senate Concurrent Resolution 24

On motion of Senator Iverson, **Senate Concurrent Resolution 24**, a concurrent resolution marking the completion of the exterior restoration of the Iowa State Capitol and honoring the contractors, subcontractors, artisans, skilled workers, and state employees who contributed to the effort to complete the restoration, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 24, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 24** be **immediately messaged** to the House.

UNFINISHED BUSINESS  
(Deferred April 10, 2001)

**House File 341**

The Senate resumed consideration of **House File 341**, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing an effective date, deferred April 10, 2001.

Senator Hammond offered amendment S-3323, filed by her on April 10, 2001, striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-3323 lost by a voice vote.

Senator Shearer offered amendment S-3333, filed by him on April 10, 2001, to pages 1, 5, and to the title page of the bill.

Senator Redwine raised the point of order that amendment S-3333 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3333 out of order.

Senator Harper offered amendment S-3287, filed by her on April 2, 2001, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3287 lost by a voice vote.

Senator Dvorsky offered amendment S-3286, filed by him on April 2, 2001, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3286 be adopted?" (H.F. 341), the vote was:

Ayes, 12:

Bolkcom	Dearden	Dvorsky	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	McCoy	Shearer	Soukup

Nays, 37:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Deluhery	Drake
Fiegen	Flynn	Fraise	Freeman
Gaskill	Greiner	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Fink

Amendment S–3286 lost.

Senator Tinsman offered amendment S–3322, filed by her on April 10, 2001, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S–3322 lost by a voice vote.

Senator Bolkcom offered amendment S–3326, filed by him on April 10, 2001, to pages 1 and 4 of the bill, and moved its adoption.

Amendment S–3326 lost by a voice vote.

Senator Hammond offered amendment S–3324, filed by her on April 10, 2001, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3324 be adopted?” (H.F. 341), the vote was:

Ayes, 18:

Black	Bolkcom	Dearden	Deluhery
Dvorsky	Fiegen	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup	Tinsman		

Nays, 31:

Angelo	Bartz	Behn	Boettger
Connolly	Drake	Flynn	Freeman
Gaskill	Greiner	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Absent or not voting, 1:

Fink

Amendment S-3324 lost.

Senator Soukup offered amendment S-3288, filed by her on April 2, 2001, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-3288 lost by a voice vote.

Senator Holveck offered amendment S-3298, filed by him on April 3, 2001, to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-3298 lost by a voice vote.

Senator Soukup offered amendment S-3332, filed by her on April 10, 2001, to page 5 and to the title page of the bill, and moved its adoption.

Amendment S-3332 lost by a voice vote.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 341), the vote was:

Ayes, 33:

Angelo	Bartz	Behn	Boettger
Connolly	Deluhery	Drake	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
Kibbie	King	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Schuerer	Sexton	Veenstra
Zieman			

Nays, 16:

Black	Bolkcom	Dearden	Dvorsky
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kramer	McCoy
Rittmer	Shearer	Soukup	Tinsman

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 341** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### House File 550

On motion of Senator Angelo, **House File 550**, a bill for an act adding the offense of criminal transmission of human immunodeficiency virus to the list of criminal offenses that require registration under the sex offender registry and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 550), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 326

On motion of Senator Redfern, **House File 326**, a bill for an act relating to the mediation process in civil rights cases, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 326), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen

Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 326** and **550** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### House File 686

On motion of Senator Maddox, **House File 686**, a bill for an act relating to provision of notice prior to the provision of products or services by state agencies or political subdivisions, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 686), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen

Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 433

Senator Tinsman called up for consideration **Senate File 433**, a bill for an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S-3336, filed April 10, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Tinsman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 433), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill

Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 433** and **House File 686** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS

##### **House File 663**

On motion of Senator Jensen, **House File 663**, a bill for an act repealing the ban on persons or spouses of persons who receive direct or indirect compensation from or who have certain privileges in a county public hospital, from serving as a trustee for that county public hospital, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Jensen asked and received unanimous consent that action on **House File 663** be **deferred**.

## UNFINISHED BUSINESS

**House File 655**

On motion of Senator Veenstra, **House File 655**, a bill for an act relating to the establishment of a system of oversight for adult day services, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 655), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

**House File 73**

On motion of Senator Sexton, **House File 73**, a bill for an act relating to the powers and duties of the executive director of the commission of veterans affairs by providing for the recognition of honor guard units of veterans organizations to perform honor guard services, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator King offered amendment S-3297, filed by the committee on State Government on April 3, 2001, striking everything after the enacting clause and to the title page of the bill.

Senator King asked and received unanimous consent to withdraw amendment S-3304, filed by Senator King, et al., on April 5, 2001, to page 1 of amendment S-3297.

Senator Flynn offered amendment S-3331, filed by Senators Flynn, King, and Black on April 10, 2001, to page 1 of amendment S-3297.

Senator Hammond raised the point of order that amendment S-3331 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3331 out of order.

Senator King moved the adoption of amendment S-3297, which motion prevailed by a voice vote.

Senator Sexton moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 73), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## BUSINESS PENDING

### House File 663

The Senate resumed consideration of **House File 663**, a bill for an act repealing the ban on persons or spouses of persons who receive direct or indirect compensation from or who have certain privileges in a county public hospital, from serving as a trustee for that county public hospital, previously deferred.

Senator Zieman offered amendment S-3356, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3356 lost by a voice vote.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 663), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 73, 655, and 663** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:05 p.m. until 9:00 a.m. Tuesday, April 17, 2001.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** April 16, 2001, 10:24 a.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Bolkcom, Ranking Member; Dearden and Rittmer.

**Members Absent:** None.

**Committee Business:** Amended and passed the appropriations bill LSB 1105JA.

**Adjourned:** 12:10 p.m.

#### APPROPRIATIONS

**Convened:** April 16, 2001, 5:10 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** Black and Horn (both excused).

**Committee Business:** Approved SSB 1251 (as amended) and passed SF 340 (as amended).

**Adjourned:** 5:35 p.m.

#### RULES AND ADMINISTRATION

**Convened:** April 16, 2001, 2:51 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Boettger, Dvorsky, Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** Gronstal, Ranking Member; and Fink (both excused).

**Committee Business:** Passed SCR 24 and SR 29.

**Adjourned:** 2:53 p.m.

### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 16th day of April, 2001:

Senate Files 347, 372, 453, 465, and 479.

MICHAEL E. MARSHALL  
Secretary of the Senate

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 16, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 94 – Creating a new criminal offense of escape from custody by a sexually violent predator civilly committed to confinement and providing a penalty.

S.F. 102 – Relating to charitable gift annuities, by providing for notice and filing requirements and providing for penalties.

### INTRODUCTION OF BILLS

**Senate File 524**, by committee on Appropriations, a bill for an act providing assistance regarding the development of grapes and wine.

Read first time under Rule 28 and **placed on Appropriations calendar.**

**Senate File 525**, by committee on Appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Read first time under Rule 28 and **placed on Appropriations calendar.**

## STUDY BILLS RECEIVED

**SSB 1261 Appropriations**

Relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

**SSB 1262 Appropriations**

Relating to and making appropriations to the judicial branch.

**SSB 1263 Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail.

**SSB 1264 Appropriations**

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

**SSB 1265 Ways and Means**

Relating to mandates imposed on political subdivisions by the state.

## SUBCOMMITTEE ASSIGNMENTS

**SSB 1261**

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

**SSB 1262**

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

**SSB 1263**

APPROPRIATIONS: Jensen, Chair; Connolly and Lamberti

**SSB 1264**

APPROPRIATIONS: Schuerer, Chair; Flynn and Lamberti

**SSB 1265**

WAYS AND MEANS: Rehberg, Chair; Flynn and McKibben

**COMMITTEE REPORTS****APPROPRIATIONS**

**Final Bill Action:** \*SENATE FILE 524 (formerly SF 340), a bill for an act providing assistance regarding the development of grapes and wine.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Behn, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Black and Horn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 524, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 525 (SSB 1251), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Behn, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Black and Horn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 525, and they were attached to the committee report.

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 29, a Senate resolution relating to a nonsubstantive redrafting of Iowa's campaign finance laws.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Iverson, Kramer, Boettger, Dvorsky, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, 2: Gronstal and Fink.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 521 (SSB 1254), a bill for an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: McKibben, McKinley, Drake, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 5: Harper, Bolkcom, Connolly, Flynn, and Holveck. Absent or not voting, 1: Deluhery.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 522 (SSB 1255), a bill for an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: McKibben, McKinley, Drake, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 5: Harper, Bolkcom, Connolly, Deluhery, and Flynn. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 523 (SSB 1260), a bill for an act relating to the size of an estate that may be distributed by affidavit, making related inheritance tax changes, and providing for the Act's applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

S-3355	H.F. 180	JoAnn Johnson
S-3356	H.F. 663	Mark Ziemann
S-3357	H.F. 643	Mike Connolly
S-3358	H.F. 354	Michael E. Gronstal
		John W. Jensen
		Eugene S. Fraise

# JOURNAL OF THE SENATE

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ONE-HUNDRETH CALENDAR DAY  
FIFTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 17, 2001

The Senate met in regular session at 9:05 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

The Journal of Monday, April 16, 2001, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 497**, a bill for an act relating to the governance of the Iowa public employees' retirement system and providing an effective date.

**Senate File 500**, a bill for an act relating to insurance, by addressing the operation and regulation of insurance companies, mutual insurance associations, the Iowa insurance guaranty association, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner; by establishing jurisdiction and venue requirements for actions against the Iowa insurance guaranty association; and providing penalties, repeals, and effective dates.

ALSO: That the House has on April 16, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 168**, a bill for an act relating to the granting of additional cable television franchises by a city. (S-3359)

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, until he arrives, on request of Senator Gronstal.

### CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolutions 3 and 19 and Senate Resolutions 29 and 23.

#### **Senate Concurrent Resolution 3**

On motion of Senator Dvorsky, **Senate Concurrent Resolution 3**, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 state quarters program and to direct the commission to develop designs incorporating the Old Capitol as a symbol for the state, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Concurrent Resolution 3, which motion prevailed by a voice vote.

#### **Senate Concurrent Resolution 19**

On motion of Senator Gaskill, **Senate Concurrent Resolution 19**, a concurrent resolution urging the Congress of the United States and the United States Department of Agriculture to provide increased federal moneys for purposes of supporting enhanced surveillance expenses as part of a pseudorabies eradication program, with report of committee recommending passage, was taken up for consideration.

Senator Angelo took the chair at 9:15 a.m.

Senator Gaskill moved the adoption of Senate Concurrent Resolution 19, which motion prevailed by a voice vote.

### **Senate Resolution 29**

On motion of Senator McKean, **Senate Resolution 29**, a resolution relating to a nonsubstantive redrafting of Iowa's campaign finance laws, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved the adoption of Senate Resolution 29, which motion prevailed by a voice vote.

### **Senate Resolution 23**

On motion of Senator Veenstra, **Senate Resolution 23**, a resolution designating May 3, 2001, as statewide Prayer Day, with report of committee recommending passage, was taken up for consideration.

President Pro Tempore McKean took the chair at 9:20 a.m.

Senator Veenstra moved the adoption of Senate Resolution 23, which motion prevailed by a voice vote.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rittmer, until he arrives, on request of Senator Tinsman; and Senator Fiegen, until he arrives, on request of Senator Shearer.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 520.

### **Senate File 520**

On motion of Senator Drake, **Senate File 520**, a bill for an act relating to the property tax exemption for methane gas and other gas conversion property and providing a retroactive applicability date and an effective date, was taken up for consideration.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 520), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Fiegen	Fink	Rittmer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT DEFERRED

### Senate File 410

Senator Sexton called up for consideration **Senate File 410**, a bill for an act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources, amended by the House in House amendment S-3335, filed April 10, 2001.

Senator Gronstal asked and received unanimous consent that action on House amendment S-3335 and **Senate File 410** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

**Senate File 355**

Senator Boettger called up for consideration **Senate File 355**, a bill for an act providing for the transfer of custody and termination of parental rights for a newborn infant whose parent voluntarily surrenders physical custody at certain health facilities and providing for immunity from prosecution for child abandonment crimes for such parent, establishing confidentiality protections and a penalty, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-3347, filed April 12, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Boettger 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. 355), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator King, until he returns, on request of Senator Freeman.

### UNFINISHED BUSINESS

#### House File 694

On motion of Senator Zieman, **House File 694**, a bill for an act relating to housing by creating a housing trust fund and a housing trust commission, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Zieman offered amendment S-3351, filed by Senators Zieman and Rehberg on April 12, 2001, to page 2 of the bill, and moved its adoption.

Amendment S-3351 was adopted by a voice vote.

Senator Zieman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 694), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink                      King

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolutions 3 and 19, Senate Files 355 and 520, and House File 694** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 9:49 a.m. until 1:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 3:13 p.m., President Pro Tempore McKean presiding.

### UNFINISHED BUSINESS (Deferred April 12, 2001)

#### **Senate File 514**

The Senate resumed consideration of **Senate File 514**, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability, deferred April 12, 2001.

With the previous adoption of amendment S-3343, the Chair ruled amendment S-3353, filed by Senator Hammond on April 12, 2001, striking everything after the enacting clause of the bill, out of order.

President Kramer took the chair at 3:18 p.m.

Senator Rehberg withdrew amendment S-3346, filed by her on April 11, 2001, to page 1 of the bill.

Senator Harper offered amendment S-3360, filed by Senators Harper and Hammond from the floor to pages 1, 5-21, and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3360 be adopted?" (S.F. 514), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Jensen	Kibbie	Lundby	Maddox
McCoy	Soukup	Tinsman	

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Johnson	King	Kramer
Lamberti	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Veenstra	Zieman		

Absent or not voting, 1:

McLaren

Amendment S-3360 lost.

Senator Harper offered amendment S-3340, filed by her on April 11, 2001, to pages 11-15 of the bill, and moved its adoption.

Amendment S-3340 lost by a voice vote.

Senator Bartz offered amendment S-3345, filed by him on April 11, 2001, to page 13 of the bill.

Senator McKibben raised the point of order that amendment S-3345 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3345 out of order.

Senator McKibben offered amendment S-3284, filed by him on April 2, 2001, to page 15 of the bill.

Senator Bartz raised the point of order that amendment S-3284 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-3284 in order.

Senator McKibben moved the adoption of amendment S-3284, which motion prevailed by a voice vote.

Senator Maddox offered amendment S-3342, filed by him on April 11, 2001, to page 21 and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-3342 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3342 out of order.

Senator Kibbie withdrew amendment S-3344, filed by him on April 11, 2001, to page 21 and to the title page of the bill.

Senator Fiegen offered amendment S-3368, filed by him from the floor to pages 16 and 17 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 20, nays 29.

Amendment S-3368 lost.

With the adoption of amendment S-3284, the Chair ruled amendment S-3369, filed by Senators Dvorsky and Horn from the floor to pages 1 and 5-21 of the bill, out of order.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 514** be **deferred**.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 519.

**Senate File 519**

On motion of Senator Bolkcom, **Senate File 519**, a bill for an act relating to the assessment for property tax purposes of certain affordable housing for low-income individuals and families, was taken up for consideration.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 519), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 526

On motion of Senator Rittmer, **House File 526**, a bill for an act providing an apprenticeship program for Illinois barbers in lieu of existing Iowa barber licensure requirements, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Rittmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 526), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

**House File 590**

On motion of Senator Boettger, **House File 590**, a bill for an act relating to the testing of individuals and the release of the results of tests for communicable and infectious diseases and for the human immunodeficiency virus and making penalties applicable, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Boettger offered amendment S-3299, filed by the committee on Human Resources on April 3, 2001, to pages 1, 2, 5, and 6 of the bill, and moved its adoption.

Amendment S-3299 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 590), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 310

On motion of Senator Miller, **House File 310**, a bill for an act relating to child support enforcement, including disclosure of certain juvenile court records to the child support recovery unit, waiting periods for administrative review and adjustment of orders, and federal tax and nontax setoff payments for accrued support, and providing effective dates, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 310), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

**House File 229**

On motion of Senator Maddox, **House File 229**, a bill for an act relating to judicial district departments of correctional services by providing for a judgment lien for supervision fees and for the establishment of a reserve peace officer force, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Maddox offered amendment S-3305, filed by the committee on Judiciary on April 5, 2001, to pages 3-7 and to the title page of the bill, and moved its adoption.

Amendment S-3305 was adopted by a voice vote.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 229), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 519** and **House Files 229, 310, 526, and 590** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 114

Senator Holveck called up for consideration **Senate File 114**, a bill for an act relating to the composition of the medical assistance advisory council, amended by the House, and moved that the Senate concur in House amendment S-3348, filed April 12, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Holveck 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. 114), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator McKean.

### UNFINISHED BUSINESS

#### House File 598

On motion of Senator Veenstra, **House File 598**, a bill for an act establishing a child protection center grant program, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Veenstra offered amendment S-3303, filed by the committee on Human Resources on April 5, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3303 was adopted by a voice vote.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 598), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley

Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Jensen	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.

## UNFINISHED BUSINESS

### House File 579

On motion of Senator King, **House File 579**, a bill for an act relating to the administration and management of the department of personnel, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Bolcom offered amendment S-3319, filed by him on April 9, 2001, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3319 be adopted?" (H.F. 579), the vote was:

Ayes, 22:

Black	Bolcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Shearer
Soukup	Tinsman		

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McKinley	McLaren	Miller

Redfern  
Schuerer

Redwine  
Sexton

Rehberg  
Veenstra

Rittmer  
Zieman

Absent or not voting, none.

Amendment S-3319 lost.

Senator King offered amendment S-3366, filed by him from the floor to page 1 of the bill.

Senator Fiegen raised the point of order that amendment S-3366 was not germane to the bill.

Senator Fiegen withdrew his point of order.

Senator King moved the adoption of amendment S-3366, which motion prevailed by a voice vote.

Senator King offered amendment S-3371, filed by Senator King, et al., from the floor to page 1 and to the title page of the bill.

Senator Dvorsky raised the point of order that amendment S-3371 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-3371 in order.

President Pro Tempore McKean took the chair at 5:20 p.m.

Senator King moved the adoption of amendment S-3371.

A record roll call was requested.

On the question "Shall amendment S-3371 be adopted?" (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, 23:

Angelo  
Freeman

Bartz  
Gaskill

Behn  
Greiner

Boettger  
Iverson

Jensen	Johnson	Kramer	Lamberti
McKean	McKibben	McKinley	McLaren
Miller	Redwine	Rehberg	Schuerer
Sexton	Veenstra	Zieman	

Nays, 26:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	King	Lundby	Maddox
McCoy	Redfern	Rittmer	Shearer
Soukup	Tinsman		

Absent or not voting, 1:

Flynn

Amendment S-3371 lost.

Senator King asked and received unanimous consent that action on **House File 579** be **deferred**.

Senator Angelo took the chair at 5:30 p.m.

## UNFINISHED BUSINESS

### House File 384

On motion of Senator Fiegen, **House File 384**, a bill for an act relating to the elimination of programs and duties of the department of economic development, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Fiegen 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. 384), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden

Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Lamberti and Veenstra, until they return, on request of Senator Iverson.

### UNFINISHED BUSINESS

#### House File 403

On motion of Senator McKean, **House File 403**, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and providing effective and applicability dates, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 403), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden

Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

Flynn	Lamberti	Veenstra
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 114** and **House Files 384** and **598** be **immediately messaged** to the House.

### BUSINESS PENDING

#### **Senate File 514**

The Senate resumed consideration of **Senate File 514**, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability, previously deferred.

Senator Dvorsky offered amendment S-3373, filed by him from the floor to pages 5-21 of the bill, and moved its adoption.

Amendment S-3373 lost by a voice vote.

Senator Iverson withdrew his motion to reconsider the vote by which amendment S-3343 to Senate File 514 was adopted by the Senate on April 11, 2001, filed by him on April 12, 2001, and found on page 1116 of the Senate Journal.

President Pro Tempore McKean took the chair at 5:57 p.m.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 514), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Angelo	Behn	Black	Boettger
Drake	Freeman	Gaskill	Greiner
Horn	Jensen	Johnson	King
Lamberti	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Schuerer	Sexton	Zieman	

Nays, 26:

Bartz	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Iverson	Kibbie
Kramer	Lundby	Maddox	McCoy
McLaren	Rittmer	Shearer	Soukup
Tinsman	Veenstra		

Absent or not voting, 1:

Flynn

The bill, having not received a constitutional majority, was declared to have failed to pass the Senate.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Boettger, Redwine, and Veenstra, until they return, on request of Senator Maddox; and Senator Flynn, until he returns, on request of Senator Harper.

CONSIDERATION OF BILLS  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 525 and 524.

**Senate File 525**

On motion of Senator Tinsman, **Senate File 525**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, was taken up for consideration.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 525), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Boettger	Flynn	Redwine	Veenstra
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

**Senate File 524**

On motion of Senator Gaskill, **Senate File 524**, a bill for an act providing assistance regarding the development of grapes and wine, was taken up for consideration.

Senator Soukup asked and received unanimous consent that action on **Senate File 524** be **deferred**.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 525** be **immediately messaged** to the House.

The Senate stood at ease at 6:39 p.m. until the fall of the gavel.

The Senate resumed session at 7:20 p.m., Senator Iverson presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 449**, a bill for an act exempting property owned and operated by an Indian housing authority from property tax and including an effective date.

**Senate File 462**, a bill for an act relating to the energy loan fund administered by the department of natural resources.

ALSO: That the House has on April 17, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 292**, a bill for an act relating to the financial operations and transactions of the information technology department.

**House File 458**, a bill for an act extending the statute of limitations period for filing a criminal charge of incest.

ALSO: That the House has on April 17, 2001, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 62**, a bill for an act relating to the processing and distribution of honey in residences. (S-3378)

**Senate File 346**, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries. (S-3376)

**Senate File 349**, a bill for an act relating to information concerning contested case proceedings of the ethics and campaign disclosure board. (S-3374)

**Senate File 458**, a bill for an act relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, and termination of parental rights. (S-3377)

ALSO: That the House has on April 17, 2001, **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 356**, a bill for an act relating to administrative and corrective changes to the workers' compensation law. (S-3375)

## ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 7:22 p.m. until 9:00 a.m. Wednesday, April 18, 2001.

**APPENDIX****CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Ron Turk, Seymour — For 50 years of dedicated service as a 4-H leader. Senator McKinley (04/17/01).

Roger Winslow, Corydon — For your years of dedicated service to the Boy Scouts. Senator McCoy (04/17/01).

**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 17, 2001, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 479 – Relating to wastewater systems, establishing a fund, appropriating moneys from the fund, and providing an effective date.

**MOTIONS TO RECONSIDER FILED**

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 514 failed to pass the Senate on April 17, 2001.

MERLIN E. BARTZ

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 514 failed to pass the Senate on April 17, 2001.

STEWART IVERSON, JR.

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 514 failed to pass the Senate on April 17, 2001.

MARK SHEARER

MADAM PRESIDENT: I move to reconsider the vote by which House File 403 passed the Senate on April 17, 2001.

STEWART IVERSON, JR.

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3371 to House File 579 failed to be adopted by the Senate on April 17, 2001.

STEVE KING

## REPORTS OF COMMITTEE MEETINGS

## APPROPRIATIONS

**Convened:** April 17, 2001, 12:35 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1261, 1262, and 1263 (as amended).

**Adjourned:** 2:05 p.m.

## WAYS AND MEANS

**Convened:** April 17, 2001, 10:30 a.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1078 and 1265 (as amended).

**Adjourned:** 11:10 a.m.

## INTRODUCTION OF BILLS

**Senate File 526**, by committee on Ways and Means, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

**Senate File 527**, by committee on Appropriations, a bill for an act relating to and making appropriations to the judicial branch.

Read first time under Rule 28 and **placed on Appropriations calendar.**

**Senate File 528**, by committee on Appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail.

Read first time under Rule 28 and **placed on Appropriations calendar.**

**Senate File 529**, by committee on Ways and Means, a bill for an act relating to mandates imposed on political subdivisions by the state.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

## COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 527 (SSB 1262), a bill for an act relating to and making appropriations to the judicial branch.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann. Nays, 10: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, 1: Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 527, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 528 (SSB 1263), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Lamberti, Kramer, Angelo, Behn, Gaskill, Hammond, Jensen, King, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 9: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Horn, and Soukup. Absent or not voting, 1: Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 528, and they were attached to the committee report.

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 526 (SSB 1078), a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: McKibben, McKinley, Drake, Flynn, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 3: Harper, Deluhery, and Holveck. Absent or not voting, 2: Bolkcom and Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 529 (SSB 1265), a bill for an act relating to mandates imposed on political subdivisions by the state.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S-3359	S.F.	168	House
S-3360	S.F.	514	Patricia Harper Johnie Hammond
S-3361	H.F.	271	Neal Schuerer Matt McCoy
S-3362	H.F.	643	Tom Flynn Dennis H. Black Steve King Jeff Lamberti

			David Miller
			Wally E. Horn
S-3363	H.F.	502	Merlin E. Bartz
S-3364	S.F.	478	Jack Holveck
			Andy McKean
S-3365	H.F.	502	Derryl McLaren
S-3366	H.F.	579	Steve King
S-3367	H.F.	502	Thomas Fiegen
S-3368	S.F.	514	Thomas Fiegen
S-3369	S.F.	514	Robert E. Dvorsky
			Wally E. Horn
S-3370	H.F.	656	O. Gene Maddox
S-3371	H.F.	579	Steve King
			David Miller
			Kitty Rehberg
			Mark Zieman
			Neal Schuerer
			Jeff Angelo
			Larry McKibben
			Jeff Lamberti
			Paul McKinley
			Nancy Boettger
			Jerry Behn
S-3372	H.F.	502	Sandra Greiner
S-3373	S.F.	514	Robert E. Dvorsky
S-3374	S.F.	349	House
S-3375	H.F.	356	House
S-3376	S.F.	346	House
S-3377	S.F.	458	House
S-3378	S.F.	62	House

# JOURNAL OF THE SENATE

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ONE-HUNDRED FIRST CALENDAR DAY  
FIFTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 18, 2001

The Senate met in regular session at 9:03 a.m., President Kramer presiding.

Prayer was offered by the Reverend Clayton George, pastor of the Apostolic Assembly Church in Anamosa, Iowa, guest of Senator McKean.

The Journal of Tuesday, April 17, 2001, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 2001, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 222**, a bill for an act relating to the statute of limitations in civil actions arising out of the unsafe or defective condition of an improvement to real property. (S-3380)

**Senate File 242**, a bill for an act relating to the rules regarding the authentication of practitioners' verbal orders in hospitals. (S-3379)

**Senate File 342**, a bill for an act requiring voters to present identification containing a photograph to poll workers prior to voting. (S-3381)

ALSO: That the House has on April 17, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 696**, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

Read first time and attached to **similar Senate File 491**.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kibbie, until he arrives, on request of Senator Gronstal; Senator Lundby, until she arrives, on request of Senator Freeman; Senator McKibben, until he arrives, on request of Senator Gaskill; and Senator Bartz, until he arrives, on request of Senator Iverson.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 452**

Senator Redwine called up for consideration **Senate File 452**, a bill for an act requiring the use of a uniform prescription drug information card by providers of third-party payment or prepayment of prescription drug expenses, amended by the House, and moved that the Senate concur in House amendment S-3350, filed April 12, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Redwine 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. 452), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson

Jensen	Johnson	King	Kramer
Lamberti	Maddox	McCoy	McKean
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Bartz	Kibbie	Lundby	McKibben
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 180

On motion of Senator Lamberti, **House File 180**, a bill for an act relating to exceptions to the required participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Johnson offered amendment S-3355, filed by her on April 16, 2001, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3355 was adopted by a voice vote.

Senator Johnson withdrew amendment S-3316, filed by her on April 9, 2001, to page 1 and to the title page of the bill.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 180), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Bartz                      Kibbie

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 452** and **House File 180** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 529.

### Senate File 529

On motion of Senator Rehberg, **Senate File 529**, a bill for an act relating to mandates imposed on political subdivisions by the state, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 529** be **deferred**.

The Senate stood at ease at 9:30 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:43 a.m., Senator Tinsman presiding.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 10:44 a.m. until 2:00 p.m.

## APPENDIX

### SIMILAR BILL RECEIVED

On April 18, 2001, **House File 696** was received and attached to similar **Senate File 491** on the Senate calendar.

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** April 18, 2001, 11:15 a.m.

**Members Present:** Veenstra, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Harper and Redwine.

**Members Absent:** None.

**Committee Business:** Passed subcommittee appropriations bill.

**Adjourned:** 11:55 a.m.

### INTRODUCTION OF BILL

**Senate File 530**, by committee on Appropriations, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar**.

### STUDY BILLS RECEIVED

#### **SSB 1266      Appropriations**

Relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date.

#### **SSB 1267      Appropriations**

Relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

## SSB 1266

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

## SSB 1267

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

## COMMITTEE REPORT

## APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 530 (SSB 1261), a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann. Nays, 10: Flynn, Black, Bolkom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 530, and they were attached to the committee report.

## EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 18, 2001, when the votes were taken on Senate File 452 and House File 180. Had I been present, I would have voted "Aye" on both.

MERLIN E. BARTZ

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 18, 2001, when the vote was taken on House File 694. Had I been present, I would have voted "Aye."

STEVE KING

## AFTERNOON SESSION

The Senate reconvened at 3:05 p.m., President Pro Tempore McKean presiding.

## QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren, for the remainder of the day, on request of Senator Jensen.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 8.

**Senate Resolution 8**

On motion of Senator Bolkcom, **Senate Resolution 8**, a Senate resolution honoring Christine Grant, former Women's Athletic Director of the University of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved the adoption of Senate Resolution 8, which motion prevailed by a voice vote.

## SPECIAL GUEST

Senator Bolkcom introduced Dr. Christine Grant, former Women's Athletic Director of the University of Iowa. Dr. Grant addressed the Senate with brief remarks. The Senate rose and expressed its appreciation.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shearer, for the remainder of the day, on request of Senator Gronstal.

## BUSINESS PENDING

**Senate File 529**

The Senate resumed consideration of **Senate File 529**, a bill for an act relating to mandates imposed on political subdivisions by the state, previously deferred.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 529), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Kibbie	McLaren	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 529** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 528.

**Senate File 528**

On motion of Senator Jensen, **Senate File 528**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail, was taken up for consideration.

(Action on Senate File 528 was deferred.)

The Senate stood at ease at 3:34 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:21 p.m., President Kramer presiding.

## QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 32 present, 18 absent, and a quorum present.

## BUSINESS PENDING

**Senate File 528**

The Senate resumed consideration of **Senate File 528**, a bill for an act relating to and making transportation and other

infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail, previously deferred.

Senator Lamberti offered amendment S-3388, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3388 be adopted?" (S.F. 528), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 1:

Harper

Nays, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Holveck	Horn	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Absent or not voting, 3:

Kibbie	McLaren	Shearer
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Amendment S-3388 lost.

Senator Connolly offered amendment S-3382, filed by him from the floor to page 1 of the bill.

Senator Jensen raised the point of order that amendment S-3382 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-3382 in order.

Senator Connolly moved the adoption of amendment S-3382.

A record roll call was requested.

On the question "Shall amendment S-3382 be adopted?" (S.F. 528), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
McCoy	Soukup		

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 3:

Kibbie	McLaren	Shearer
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Amendment S-3382 lost.

Senator Hansen asked and received unanimous consent to withdraw the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3388 to Senate File 528 failed to be adopted by the Senate on April 18, 2001.

Senator Lamberti asked and received unanimous consent to withdraw the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3388 to Senate File 528 failed to be adopted by the Senate on April 18, 2001.

The Senate stood at ease at 6:20 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 6:52 p.m., President Kramer presiding.

Senator Gronstal asked and received unanimous consent that action on **Senate File 528** be **deferred**.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he returns, on request of Senator Dearden; and Senator Sexton, until he returns, on request of Senator Lundby.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 527.

#### **Senate File 527**

On motion of Senator Angelo, **Senate File 527**, a bill for an act relating to and making appropriations to the judicial branch, was taken up for consideration.

Senator Dvorsky offered amendment S-3387, filed by him from the floor to pages 1 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3387 be adopted?" (S.F. 527), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 17:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Soukup			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Tinsman	Veenstra	Zieman

Absent or not voting, 5:

Kibbie	McCoy	McLaren	Sexton
Shearer			

Amendment S-3387 lost.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 527** be **deferred**.

## UNFINISHED BUSINESS (Deferred April 9, 2001)

### House File 502

The Senate resumed consideration of **House File 502**, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability, deferred April 9, 2001.

Senator Bartz withdrew amendment S-3349, filed by him on April 12, 2001, to pages 1-6 of the bill.

Senator Bartz offered amendment S-3363, filed by him on April 17, 2001, to pages 1-6 of the bill.

Senator Bartz withdrew amendment S-3363.

With the withdrawal of amendment S-3363, the Chair ruled amendment S-3365, filed by Senator McLaren on April 17, 2001, to pages 3 and 4 of amendment S-3363, out of order.

Senator Greiner offered amendment S-3311, filed by her on April 9, 2001, to page 4 of the bill, and moved its adoption.

Amendment S-3311 was adopted by a voice vote.

Senator Fiegen offered amendment S-3367, filed by him on April 17, 2001, to pages 4-6 and to the title page of the bill.

Senator Fiegen asked and received unanimous consent that action on amendment S-3367 and **House File 502** be **deferred**.

#### HOUSE AMENDMENT DEFERRED

#### **Senate File 346**

Senator McKean called up for consideration **Senate File 346**, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, amended by the House in House amendment S-3376, filed April 17, 2001.

Senator Holveck asked and received unanimous consent that action on House amendment S-3376 and **Senate File 346** be **deferred**.

#### HOUSE AMENDMENT CONSIDERED

#### **Senate File 222**

Senator Maddox called up for consideration **Senate File 222**, a bill for an act relating to the statute of limitations in civil actions

arising out of the unsafe or defective condition of an improvement to real property, amended by the House in House amendment S-3380, filed April 18, 2001.

The Senate stood at ease at 7:44 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 8:09 p.m., President Kramer presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Connolly, until he returns, on request of Senator Soukup.

### BUSINESS PENDING

#### Senate File 222

The Senate resumed consideration of Senate File 222.

Senator Maddox moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Maddox 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. 222), the vote was:

Ayes, 35:

Angelo	Bartz	Behn	Boettger
Drake	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hansen
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redfern	Redwine

Rehberg Tinsman	Rittmer Veenstra	Schuerer Zieman	Sexton
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Nays, 11:

Black Dvorsky Harper	Bolkcom Fiegen Holveck	Dearden Fink Soukup	Deluhery Hammond
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Absent or not voting, 4:

Connolly	McCoy	McLaren	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### BILL RE-REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 577** be re-referred from the Unfinished Business Calendar to the committee on **Commerce**.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 526.

### Senate File 526

On motion of Senator McKibben, **Senate File 526**, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law, was taken up for consideration.

Senator Bolkcom asked and received unanimous consent that action on **Senate File 526** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

**Senate File 168**

Senator Lundby called up for consideration **Senate File 168**, a bill for an act relating to the granting of additional cable television franchises by a city, amended by the House, and moved that the Senate concur in House amendment S-3359, filed April 17, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Lundby moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 168), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McCoy	McLaren	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 168** and **222** be **immediately messaged** to the House.

## BUSINESS PENDING

**Senate File 346**

The Senate resumed consideration of **Senate File 346**, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, and House amendment S-3376, previously deferred.

Senator McKean moved that the Senate refuse to concur in the House amendment.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment.

## HOUSE AMENDMENT CONSIDERED

**Senate File 62**

Senator Zieman called up for consideration **Senate File 62**, a bill for an act relating to the processing and distribution of honey in residences, amended by the House, and moved that the Senate concur in House amendment S-3378, filed April 17, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Zieman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 62), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McCoy	McLaren	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 674

On motion of Senator Redwine, **House File 674**, a bill for an act relating to the reorganization or dissolution of an area education agency, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Redwine offered amendment S-3389, filed by Senators Redwine and Hansen from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3389 was adopted by a voice vote.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 674), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McCoy	McLaren	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 62** and **346** and **House File 674** be **immediately messaged** to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 511**, a bill for an act to legalize certain ordinances and amendments considered and passed by the city of Davenport in accordance with procedures no longer valid, and providing an effective date and for retroactive applicability.

ALSO: That the House has on April 18, 2001, **amended and adopted** the following resolution in which the concurrence of the Senate is asked:

**Senate Concurrent Resolution 24**, a concurrent resolution marking the completion of the exterior restoration of the Iowa State Capitol and honoring the contractors, subcontractors, artisans, skilled workers, and state employees who contributed to the effort to complete the restoration. (S-3385)

ALSO: That the House has on April 18, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 169**, a bill for an act limiting the exemption from regulation of certain persons acting as an attorney in fact regarding certain real estate transactions.

**Senate File 186**, a bill for an act providing for a tax levy for the county hospital fund in certain counties and providing an effective date.

**Senate File 259**, a bill for an act relating to the victim rights compensation fund.

**Senate File 337**, a bill for an act relating to transfers of structured settlement payment rights for tort and workers' compensation claims, providing civil remedies, and an applicability date.

**Senate File 384**, a bill for an act relating to pay plans for certain employees of the credit union division of the department of commerce.

ALSO: That the House has on April 18, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 352**, a bill for an act relating to the administration and care of the Iowa battle flag collection.

**House File 560**, a bill for an act relating to child foster care regulatory requirements and providing an effective date.

**House File 581**, a bill for an act relating to the size of drainage or levee districts having election districts and requesting an interim study.

ALSO: That the House has on April 18, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 707**, a bill for an act establishing an interstate distribution center initiative by identifying an activity of a foreign corporation for which a return is not required for state income tax purposes and including effective and retroactive applicability date provisions.

Read first time and attached to **companion Senate File 517**.

**House File 711**, a bill for an act relating to the levy of tax assessments for drainage or levee districts.

Read first time and referred to committee on **Ways and Means**.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:46 p.m. until 9:00 a.m. Thursday, April 19, 2001.

## APPENDIX

### COMPANION BILL RECEIVED

On April 18, 2001, **House File 707** was received and attached to companion **Senate File 517** on the Senate calendar.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Matthew McNeece, Marshalltown — For achieving the rank of Eagle Scout. Senator McKibben (04/18/01).

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 18, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 372 – Relating to the powers and duties of the county recorder relating to the recording and keeping of documents.

S.F. 453 – Relating to the administrative procedures of certain county officers by authorizing the issuance of checks, providing for the cancellation of warrants and checks, the disposal of tax lists, and the receipt of electronic payments, specifying tax sale costs and the mailing address for changes of titles and deeds, providing for other properly related matters, and providing an effective date.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** April 18, 2001, 11:10 a.m.

**Members Present:** Redfern, Chair; Rehberg, Vice Chair; Horn, Ranking Member; and McLaren.

**Members Absent:** Kibbie (excused).

**Committee Business:** Amended and passed subcommittee appropriations bill.

**Adjourned:** 12:35 p.m.

**APPROPRIATIONS**

**Convened:** April 18, 2001, 1:05 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann.

**Members Absent:** None.

**Committee Business:** Approved SSB 1264 (as amended).

**Adjourned:** 2:05 p.m.

**INTRODUCTION OF BILL**

**Senate File 531**, by committee on Appropriations, 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.

Read first time under Rule 28 and **placed on Appropriations calendar.**

**STUDY BILL RECEIVED****SSB 1268      Appropriations**

Relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents.

**SUBCOMMITTEE ASSIGNMENT****SSB 1268**

**APPROPRIATIONS:** Redfern, Chair; Horn and Lamberti

## COMMITTEE REPORT

### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 531 (SSB 1264), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann. Nays, 10: Flynn, Black, Bolkom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 531, and they were attached to the committee report.

### AMENDMENTS FILED

S-3379	S.F.	242	House
S-3380	S.F.	222	House
S-3381	S.F.	342	House
S-3382	S.F.	528	Mike Connolly
S-3383	H.F.	696	Mary Lou Freeman
S-3384	H.F.	687	Jeff Lamberti
S-3385	S.C.R.	24	House
S-3386	S.F.	491	Jerry Behn
S-3387	S.F.	527	Robert E. Dvorsky
S-3388	S.F.	528	Jeff Lamberti
S-3389	H.F.	674	John Redwine Steven D. Hansen
S-3390	H.F.	656	Jack Holveck Andy McKean
S-3391	S.F.	530	Eugene S. Fraise Johnnie Hammond
S-3392	H.F.	687	Jeff Lamberti
S-3393	S.F.	530	Jeff Angelo
S-3394	S.F.	530	Jeff Angelo

# JOURNAL OF THE SENATE

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ONE-HUNDRED SECOND CALENDAR DAY  
SIXTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 19, 2001

The Senate met in regular session at 9:05 a.m., President Kramer presiding.

Prayer was offered by the Reverend Terry Amaan, pastor of the First Presbyterian Church in Creston, Iowa, guest of Senator Angelo.

The Journal of Wednesday, April 18, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McLaren, for the remainder of the week, on request of Senator Jensen; Senator Shearer, until he arrives, on request of Senator Hansen; and Senator Lundby, until she arrives, on request of Senator Freeman.

## CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 523.

### **Senate File 523**

On motion of Senator Miller, **Senate File 523**, a bill for an act relating to the size of an estate that may be distributed by affidavit, making related inheritance tax changes, and providing for the Act's applicability, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 523), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Maddox
McCoy	McKean	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Lundby	McKibben	McLaren	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 242

Senator Bartz called up for consideration **Senate File 242**, a bill for an act relating to the rules regarding the authentication of practitioners' verbal orders in hospitals, amended by the House, and moved that the Senate concur in House amendment S-3379, filed April 18, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Bartz 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. 242), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hansen	Harper
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Soukup	Tinsman	Veenstra
Zieman			

Nays, 3:

Fiegen	Hammond	Holveck
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Absent or not voting, 2:

McLaren	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## UNFINISHED BUSINESS

### House File 271

On motion of Senator Schuerer, **House File 271**, a bill for an act adding specified document preparation and modification to the list of acts defining the activities of a real estate broker, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Schuerer offered amendment S-3361, filed by Senators Schuerer and McCoy on April 17, 2001, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3361 was adopted by a voice vote.

Senator Fiegen asked and received unanimous consent that action on **House File 271** be **deferred**.

## UNFINISHED BUSINESS

### House File 654

On motion of Senator Maddox, **House File 654**, a bill for an act relating to the amount of contributions to and accumulated increases in the value of certain retirement plans which are exempt from creditors and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 654), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McLaren	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

**House File 582**

On motion of Senator Angelo, **House File 582**, a bill for an act relating to the division and development of land by amending provisions relating to subdivision plats and plats of survey and relating to annexation and other boundary adjustments, and providing for the Act's applicability, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Miller offered amendment S-3321, filed by the committee on Local Government on April 10, 2001, to pages 2 and 6 of the bill.

Senator McKean asked and received unanimous consent that action on amendment S-3321 and **House File 582** be **deferred**.

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED**House File 356**

Senator McKibben called up for consideration **House File 356**, a bill for an act relating to administrative and corrective changes to the workers' compensation law, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-3375 to Senate amendment H-1478, filed April 17, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator McKibben 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. 356), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McLaren                      Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## UNFINISHED BUSINESS

### Senate File 517

On motion of Senator Redwine, **Senate File 517**, a bill for an act establishing an interstate distribution center initiative by identifying an activity of a foreign corporation for which a return is not required for state income tax purposes and including effective and retroactive applicability date provisions, placed on the Unfinished Business Calendar on April 5, 2001, was taken up for consideration.

Senator Redwine asked and received unanimous consent that **House File 707** be **substituted** for **Senate File 517**.

### House File 707

On motion of Senator Redwine, **House File 707**, a bill for an act establishing an interstate distribution center initiative by identifying an activity of a foreign corporation for which a return is not required for state income tax purposes and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Redwine asked and received unanimous consent that action on **House File 707** be **deferred**.

UNFINISHED BUSINESS  
(Deferred April 18, 2001)

**Senate File 526**

The Senate resumed consideration of **Senate File 526**, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law, deferred April 18, 2001.

Senator Holveck offered amendment S-3395, filed by him from the floor to page 1 of the bill.

Senator Angelo took the chair at 10:00 a.m.

Senator Holveck moved the adoption of amendment S-3395.

A record roll call was requested.

On the question "Shall amendment S-3395 be adopted?" (S.F. 526), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	McKean	Shearer
Soukup			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

McLaren

Amendment S-3395 lost.

Senator Connolly asked and received unanimous consent that action on **Senate File 526** be **deferred**.

#### HOUSE AMENDMENT CONSIDERED

#### **Senate Concurrent Resolution 24**

Senator Jensen called up for consideration **Senate Concurrent Resolution 24**, a concurrent resolution marking the completion of the exterior restoration of the Iowa State Capitol and honoring the contractors, subcontractors, artisans, skilled workers, and state employees who contributed to the effort to complete the restoration, amended by the House, and moved that the Senate concur in House amendment S-3385, filed April 18, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jensen moved the adoption of Senate Concurrent Resolution 24, as amended by the House and concurred in by the Senate, which motion prevailed by a voice vote.

#### CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolutions 35 and 32.

#### **Senate Resolution 35**

On motion of Senator King, **Senate Resolution 35**, a Senate resolution recognizing Task Force Charlie of the Iowa Army National Guard for its dedication and outstanding performance of duty, with report of committee recommending passage, was taken up for consideration.

Senator King moved the adoption of Senate Resolution 35, which motion prevailed by a voice vote.

### **Senate Resolution 32**

On motion of Senator McKibben, **Senate Resolution 32**, a Senate resolution congratulating Maytag Corporation on being named an Energy Star Partner of the Year, with report of committee recommending passage, was taken up for consideration.

Senator McKibben moved the adoption of Senate Resolution 32, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 24, Senate Files 242 and 523, and House Files 356 and 654** be **immediately messaged** to the House.

### RECESS

On motion of Senator Bartz, the Senate recessed at 10:20 a.m. until 1:30 p.m.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Erik Skjerseth, Bettendorf — For achieving the rank of Eagle Scout, Troop 82. Senator Tinsman (04/17/01).

Andrew Vincent Young, Clear Lake — For achieving the rank of Eagle Scout, Troop 30. Senator Bartz (04/19/01).

### PETITIONS

The following petitions were presented and placed on file:

From 230 residents of Louisa, Henry, Washington, and Keokuk counties opposing proposed budget cuts to counties for mental health and developmental disabilities programs. Senator Shearer.

From 61 residents of Iowa opposing legislation to eliminate funding for the neuromuscular program. Senator Tinsman.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 39**, by McKibben, a Senate resolution designating April 14, 2001, as Pan American Day, and the week of April 8 through 14, 2001, as Pan American Week.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 18, 2001, when the votes were taken on Senate Files 62, 168, and 529 and House File 674. Had I been present, I would have voted "Aye" on all. I was also necessarily absent from the Senate chamber on April 18, 2001, when the vote was taken on Senate File 222. Had I been present, I would have voted "Nay" on Senate File 222. In addition, I was necessarily absent from the Senate chamber on April 19, 2001, when the votes were taken on Senate File 523 and House Files 356 and 654. Had I been present, I would have voted "Aye" on all. I was also necessarily absent from the Senate chamber on April 19, 2001, when the vote was taken on Senate File 242. Had I been present, I would have voted "Nay" on Senate File 242.

MARK SHEARER

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 19th day of April, 2001:

Senate Files 433, 449, and 462.

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 18, 2001, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 347 – Eliminating court costs and filing and service fees for plaintiffs seeking relief from domestic abuse.

## AFTERNOON SESSION

The Senate reconvened at 3:26 p.m., President Pro Tempore McKean presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 705**, a bill for an act relating to sales and use taxes on the delivery of electricity and natural gas and to the rate of tax for providing metered gas, electricity, and fuel to provide energy for residential customers.

Read first time and referred to committee on **Ways and Means**.

**House File 706**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Read first time and referred to committee on **Appropriations**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dvorsky, until he returns, on request of Senator Hammond; and Senator McCoy, until he returns, on request of Senator Harper.

UNFINISHED BUSINESS  
(Deferred April 18, 2001)**Senate File 527**

The Senate resumed consideration of **Senate File 527**, a bill for an act relating to and making appropriations to the judicial branch, deferred April 18, 2001.

Senator Angelo offered amendment S-3398, filed by Senators Dvorsky and Angelo from the floor to page 4 of the bill, and moved its adoption.

Amendment S-3398 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 527), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Dvorsky	McCoy	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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 527** be **immediately messaged** to the House.

UNFINISHED BUSINESS  
(Deferred April 18, 2001)

**Senate File 528**

The Senate resumed consideration of **Senate File 528**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail, deferred April 18, 2001.

(Action on Senate File 528 was deferred.)

The Senate stood at ease at 3:43 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:57 p.m., President Kramer presiding.

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent, and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 715**, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, franchise, hotel and motel, environmental protection charge on petroleum diminution, property, cigarette and

tobacco products, and inheritance taxes, local option taxes, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

**House File 719**, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date.

Read first time and referred to committee on **Appropriations**.

#### INTRODUCTION OF BILLS

**Senate File 532**, by committee on Appropriations, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date.

Read first time and placed on **Appropriations calendar**.

**Senate File 533**, by committee on Appropriations, a bill for an act relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date.

Read first time and placed on **Appropriations calendar**.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Sexton and Veenstra, until they return, on request of Senator Iverson; and Senator Harper, until she returns, on request of Senator Hammond.

## BUSINESS PENDING

**Senate File 528**

The Senate resumed consideration of **Senate File 528**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail, previously deferred.

Senator McCoy offered amendment S-3408, filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment S-3408 lost by a voice vote.

Senator Gronstal offered amendment S-3412, 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-3412 be adopted?" (S.F. 528), the vote was:

Ayes, 3:

Bartz	Lamberti	McCoy
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Nays, 42:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Shearer	Soukup
Tinsman	Zieman		

Absent or not voting, 5:

Dvorsky	Harper	McLaren	Sexton
Veenstra			

Amendment S-3412 lost.

Senator Hansen offered amendment S-3413, filed by him from the floor to page 4 of the bill.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3413.

Senator Fiegen offered amendment S-3414, filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment S-3414 lost by a voice vote.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 528), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Shearer	Soukup	Veenstra
Zieman			

Nays, 2:

Lundby	Tinsman
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Absent or not voting, 3:

Dvorsky	McLaren	Sexton
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 528** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 531.

### **Senate File 531**

On motion of Senator Schuerer, **Senate File 531**, 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, was taken up for consideration.

Senator Flynn offered amendment S-3403, filed by him from the floor to page 9 of the bill.

Senator Flynn asked and received unanimous consent to withdraw amendment S-3403.

Senator Flynn offered amendment S-3405, filed by him from the floor to page 9 of the bill.

Senator Flynn called for the following division of amendment S-3405:

Division S-3405A: Lines 2 and 3; and

Division S-3405B: Lines 4 and 5.

Senator Flynn moved the adoption of division S-3405A.

A record roll call was requested.

On the question "Shall division S-3405A be adopted?" (S.F. 531), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dvorsky	McLaren	Sexton
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Division S-3405A lost.

Senator Flynn moved the adoption of division S-3405B.

A record roll call was requested.

On the question "Shall division S-3405B be adopted?" (S.F. 531), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller

Redfern	Redwine	Rehberg	Rittmer
Schuerer	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dvorsky	McLaren	Sexton
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Division S-3405B lost.

With the failure of division S-3405B, the Chair ruled amendment S-3400, filed by Senator Flynn from the floor to page 9 of the bill, out of order.

Senator Flynn asked and received unanimous consent to withdraw amendment S-3402, filed by him from the floor to page 9 of the bill.

Senator Flynn asked and received unanimous consent to withdraw amendment S-3404, filed by Senators Flynn and Schuerer from the floor to page 9 of the bill.

Senator Flynn offered amendment S-3401, filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3401 be adopted?" (S.F. 531), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Maddox	McCoy	Shearer	Soukup

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Dvorsky                      McLaren                      Sexton

Amendment S-3401 lost.

Senator Flynn offered amendment S-3399, filed by him from the floor to pages 14 and 15 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3399 be adopted?" (S.F. 531), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	Shearer	Soukup

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Dvorsky                      Maddox                      McLaren                      Sexton

Amendment S-3399 lost.

Senator Flynn asked and received unanimous consent that action on **Senate File 531** be **deferred**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox, until he returns, on request of Senator Iverson.

## BUSINESS PENDING

**House File 582**

The Senate resumed consideration of **House File 582**, a bill for an act relating to the division and development of land by amending provisions relating to subdivision plats and plats of survey and relating to annexation and other boundary adjustments, and providing for the Act's applicability, and amendment S-3321, previously deferred.

Senator Angelo moved the adoption of amendment S-3321, which motion prevailed by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 582), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Hammond	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 3:

Gronstal	Hansen	McCoy
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Absent or not voting, 4:

Dvorsky	Maddox	McLaren	Sexton
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

**Senate File 349**

Senator McKean called up for consideration **Senate File 349**, a bill for an act relating to information concerning contested case proceedings of the ethics and campaign disclosure board, amended by the House, and moved that the Senate refuse to concur in House amendment S-3374, filed April 17, 2001.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 512.

**Senate File 512**

On motion of Senator Drake, **Senate File 512**, a bill for an act relating to state sales and use taxes on admittance fees for city or county swimming pools, providing limited refunds, and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Lundby offered amendment S-3339, filed by her on April 11, 2001, to page 1 of the bill.

Senator Boettger took the chair at 6:52 p.m.

Senator Lundby moved the adoption of amendment S-3339, which motion prevailed by a voice vote.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 512), the vote was:

Ayes, 37:

Angelo	Bartz	Behn	Boettger
Bolkcom	Deluhery	Drake	Flynn
Fraise	Freeman	Gaskill	Greiner
Hammond	Hansen	Harper	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 9:

Black	Connolly	Dearden	Fiegen
Fink	Gronstal	Holveck	McCoy
Shearer			

Absent or not voting, 4:

Dvorsky	Maddox	McLaren	Sexton
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 647

On motion of Senator McKinley, **House File 647**, a bill for an act relating to the release and use of certain personal information by the state department of transportation, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Hammond asked and received unanimous consent that action on **House File 647** be **deferred**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Iverson.

## BUSINESS PENDING

**Senate File 531**

The Senate resumed consideration of **Senate File 531**, 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, previously deferred.

Senator Connolly offered amendment S-3415, filed by him from the floor to page 17 of the bill.

President Kramer took the chair at 7:20 p.m.

Senator Connolly moved the adoption of amendment S-3415.

A record roll call was requested.

On the question "Shall amendment S-3415 be adopted?" (S.F. 531), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	McKean	Miller
Shearer	Soukup		

Nays, 24:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKibben
McKinley	Redwine	Rehberg	Rittmer
Schuerer	Tinsman	Veenstra	Zieman

Absent or not voting, 4:

Dvorsky	McLaren	Redfern	Sexton
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Amendment S-3415 lost.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 531), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redwine	Rehberg	Rittmer	Schuerer
Tinsman	Veenstra	Zieman	

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Absent or not voting, 4:

Dvorsky	McLaren	Redfern	Sexton
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### MOTIONS TO RECONSIDER WITHDRAWN

Senator Angelo withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which House File 582 passed the Senate on April 19, 2001.

Senator Shearer withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which House File 582 passed the Senate on April 19, 2001.

## BUSINESS PENDING

**House File 647**

The Senate resumed consideration of **House File 647**, a bill for an act relating to the release and use of certain personal information by the state department of transportation, previously deferred.

Senator McKinley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 647), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Dvorsky	McLaren	Redfern	Sexton
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

**House File 535**

On motion of Senator McKibben, **House File 535**, a bill for an act allowing cities to issue general obligation bonds, revenue bonds, or loan agreements to fund the construction and equipping of child care centers and providing an effective date, with report of committee

recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 535), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Dvorsky	McLaren	Redfern	Sexton
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## BUSINESS PENDING

### House File 271

The Senate resumed consideration of **House File 271**, a bill for an act adding specified document preparation and modification to the list of acts defining the activities of a real estate broker, previously deferred.

Senator Fiegen offered amendment S-3411, filed by him from the floor to page 1 of the bill.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3411.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 271), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Dvorsky	McLaren	Redfern	Sexton
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 349, 512, and 531** and **House Files 271, 535, 582, and 647** be **immediately messaged** to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 718**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, making related statutory changes, and providing effective dates.

Read first time and referred to committee on **Appropriations**.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:57 p.m. until 9:00 a.m. Friday, April 20, 2001.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** April 19, 2001, 12:20 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** None.

**Committee Business:** Approved SSBs 1266, 1267, and 1268.

**Recessed:** 1:35 p.m.

**Reconvened:** 2:00 p.m.

**Adjourned:** 3:20 p.m.

#### BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 19, 2001, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 465 – Creating a fund for the use of the state department of transportation to purchase soydiesel fuel for use in its vehicles and providing an effective date.

#### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 25**, by Miller and Fraise, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating a symbol for the state of Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILLS

**Senate File 534**, by Hansen, a bill for an act relating to the authorization of an instant lottery game to fund recreational bike trails.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 535**, by committee on Appropriations, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents.

Read first time under Rule 28 and **placed on Appropriations calendar**.

## SUBCOMMITTEE ASSIGNMENTS

### House File 705

WAYS AND MEANS: Connolly, Chair; Redwine and Rehberg

### House File 711

WAYS AND MEANS: Rehberg, Chair; Flynn and Greiner

### House File 715

WAYS AND MEANS: Redwine, Chair; Drake and Harper

## COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 532 (SSB 1266), a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 532, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 533 (SSB 1267), a bill for an act relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 533, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 535 (SSB 1268), a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 10: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, 1: Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 535, and they were attached to the committee report.

### AMENDMENTS FILED

S-3395	S.F.	526	Jack Holveck
S-3396	H.F.	643	Johnie Hammond
S-3397	H.F.	697	Kitty Rehberg

S-3398	S.F.	527	Robert E. Dvorsky Jeff Angelo
S-3399	S.F.	531	Tom Flynn
S-3400	S.F.	531	Tom Flynn
S-3401	S.F.	531	Tom Flynn
S-3402	S.F.	531	Tom Flynn
S-3403	S.F.	531	Tom Flynn
S-3404	S.F.	531	Tom Flynn Neal Schuerer
S-3405	S.F.	531	Tom Flynn
S-3406	S.F.	530	Jeff Angelo
S-3407	H.F.	670	Nancy Boettger
S-3408	S.F.	528	Matt McCoy
S-3409	H.F.	349	John Redwine
S-3410	H.F.	696	John P. Kibbie
S-3411	H.F.	271	Thomas Fiegen
S-3412	S.F.	528	Michael E. Gronstal
S-3413	S.F.	528	Steven D. Hansen
S-3414	S.F.	528	Thomas Fiegen
S-3415	S.F.	531	Mike Connolly
S-3416	S.F.	526	Thomas Fiegen
S-3417	S.F.	526	Mike Connolly Thomas Fiegen
S-3418	S.F.	526	Mark Shearer Thomas Fiegen

# JOURNAL OF THE SENATE

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ONE-HUNDRED THIRD CALENDAR DAY  
SIXTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, April 20, 2001

The Senate met in regular session at 9:02 a.m., President Kramer presiding.

Prayer was offered by the Honorable Maggie Tinsman, member of the Senate from Scott County, Davenport, Iowa.

The Journal of Thursday, April 19, 2001, was approved.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 40**, by Iverson, Kramer, Gronstal, and Dvorsky, a Senate resolution honoring Senator John Jensen for his dedication to restoring the Iowa State Capitol to its original beauty and grace.

Read first time and referred to committee on **Rules and Administration**.

**Senate Resolution 41**, by Fink, McLaren, Hammond, Behn, McKinley, Greiner, Rittmer, Jensen, Veenstra, Redfern, McKean, Angelo, Bartz, Freeman, Boettger, Johnson, Schuerer, Zieman, Rehberg, Gaskill, Dearden, Miller, McCoy, Bolkcom, Fiegen, Horn, Connolly, Kibbie, Gronstal, Holveck, Iverson, Lamberti, Kramer, Flynn, Hansen, Black, Shearer, Harper, McKibben, Soukup, and Deluhery, a Senate resolution recognizing Iowa State University graduates Marcus Fizer and Fred Hoiberg for serving as "Literacy Champions".

Read first time and referred to committee on **Rules and Administration**.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:04 a.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 9:06 a.m., President Kramer presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Connolly and Flynn, until they arrive, on request of Senator Gronstal; Senator Sexton, for the day, on request of Senator Gaskill; and Senator Redfern, until he arrives, on request of Senator Angelo.

## COMMITTEE REPORT

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 40, a Senate resolution honoring Senator John Jensen for his dedication to restoring the Iowa State Capitol to its original beauty and grace.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, and Harper. Nays, none. Absent or not voting, 3: Johnson, McKean, and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

## Senate Resolution 40

Senator Iverson asked and received unanimous consent to take up the following resolution:

## SENATE RESOLUTION 40

- 2 By: Iverson, Kramer, Gronstal, and Dvorsky
- 3 A resolution honoring Senator John Jensen for
- 4 his dedication to restoring the Iowa State Capitol
- 5 to its original beauty and grace.

6 WHEREAS, Senator John Jensen has been a respected  
7 member of the Iowa Senate for almost six terms; and  
8 WHEREAS, Senator Jensen has exhibited an  
9 extraordinary sense of pride in the magnificent Iowa  
10 State Capitol; and  
11 WHEREAS, this pride has been demonstrated by  
12 conducting extensive “fifty-cent tours” for visitors,  
13 legislators, and state employees to every corner of  
14 the State Capitol; and  
15 WHEREAS, this pride can be warmly experienced by  
16 any person who inquires into any aspect of the State  
17 Capitol; and  
18 WHEREAS, Senator Jensen has made the restoration,  
19 conservation, and preservation of the Iowa State  
20 Capitol his personal and professional mission during  
21 his tenure in the Iowa Senate; and  
22 WHEREAS, Senator Jensen’s devotion to the State  
23 Capitol has included service as chairperson and vice  
24 chairperson of the Capital Projects Committee of the  
25 Legislative Council and co-chairperson of the Joint  
26 Appropriations Subcommittee on Transportation,  
27 Infrastructure and Capitals, as well as service on the  
28 Capitol Planning Commission and the Capital Projects  
29 Workgroup and charter membership in the Friends of  
30 Capitol Hill Inc.; and

Page 2

1 WHEREAS, Senator Jensen has raised public and  
2 private funds for the purpose of returning the State  
3 Capitol to grandeur without any regard to self-  
4 interest; and  
5 WHEREAS, the members of the Senate and the citizens  
6 of Iowa sincerely appreciate the pride, devotion, and  
7 hard work exhibited by Senator Jensen in the grand  
8 effort to restore the State Capitol; NOW THEREFORE,  
9 BE IT RESOLVED BY THE SENATE, That the Senate  
10 extends its congratulations to Senator Jensen on the  
11 completion of an eighteen-year effort to restore the  
12 exterior of the Iowa State Capitol to its original  
13 beauty and grace and honors the dedication of Senator  
14 Jensen to this effort and to the continued renovation  
15 and restoration of the interior of the State Capitol.

Senator Iverson moved the adoption of Senate Resolution 40,  
which motion prevailed by a voice vote.

Senator Jensen addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Jensen.

Senator Iverson presented Senator Jensen with a first edition print reproduction of the mural "Westward." The mural painting, by Edwin H. Blashfield of New York, is located above the Grand Stairway and symbolizes the pioneers' arrival in Iowa.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKean and McKibben, until they arrive, on request of Senator Iverson.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 532.

#### Senate File 532

On motion of Senator Lamberti, **Senate File 532**, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date, was taken up for consideration.

Senator Lamberti offered amendment S-3419, filed by him from the floor to pages 6 and 7 of the bill, and moved its adoption.

Amendment S-3419 was adopted by a voice vote.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 532), the vote was:

Ayes, 41:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Deluhery	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti

Lundby	Maddox	McCoy	McKinley
Redwine	Rehberg	Rittmer	Schuerer
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 1:

Miller

Absent or not voting, 8:

Connolly	Dearden	Flynn	McKean
McKibben	McLaren	Redfern	Sexton

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 532** be **immediately messaged** to the House.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dearden, until he arrives, on request of Senator Soukup; and Senator Jensen, until he returns, on request of Senator Iverson.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 533.

### Senate File 533

On motion of Senator Lamberti, **Senate File 533**, a bill for an act relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date, was taken up for consideration.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 533), the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Deluhery	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKinley	Redwine
Rehberg	Rittmer	Schuerer	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Miller

Absent or not voting, 9:

Connolly	Dearden	Flynn	Jensen
McKean	McKibben	McLaren	Redfern
Sexton			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, until he returns, on request of Senator Iverson.

### UNFINISHED BUSINESS

#### House File 662

On motion of Senator Boettger, **House File 662**, a bill for an act relating to Iowa's community empowerment initiative and providing an effective date, with report of committee recommending passage,

placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 662), the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Deluhery	Drake
Dvorsky	Fiegen	Fink	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	Miller	Redwine
Rehberg	Rittmer	Schuerer	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 10:

Cannolly	Dearden	Flynn	Jensen
McKean	McKibben	McKinley	McLaren
Redfern	Sexton		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 533** and **House File 662** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:10 a.m. until 1:00 p.m. Monday, April 23, 2001.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### RULES AND ADMINISTRATION

**Convened:** April 20, 2001, 9:02 a.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, and Harper.

**Members Absent:** Johnson, McKean, and Rittmer (all excused).

**Committee Business:** Passed SCR 25 and SRs 39, 40, and 41.

**Adjourned:** 9:04 a.m.

### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of April, 2001:

Senate Files 355, 497, and 500.

MICHAEL E. MARSHALL  
Secretary of the Senate

### STUDY BILL RECEIVED

#### **SSB 1269      Rules and Administration**

A concurrent resolution requesting that the Attorney General of the State of Iowa vigorously enforce Iowa corporate farming law which prohibits processors from owning, controlling, or operating a feedlot in Iowa in which hogs or cattle are fed for slaughter.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 706**

APPROPRIATIONS: Black, Chair; Gaskill and Lamberti

**House File 718**

APPROPRIATIONS: Behn, Chair; Fiegen and Lamberti

**House File 719**

APPROPRIATIONS: Lundby, Chair; Deluhery and Lamberti

**SSB 1269**

RULES AND ADMINISTRATION: No subcommittee assigned

**COMMITTEE REPORTS****RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 25, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating a symbol for the state of Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, and Harper. Nays, none. Absent or not voting, 3: Johnson, McKean, and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 39, a Senate resolution designating April 14, 2001, as Pan American Day, and the week of April 8 through 14, 2001, as Pan American Week.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, and Harper. Nays, none. Absent or not voting, 3: Johnson, McKean, and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 41, a Senate resolution recognizing Iowa State University graduates Marcus Fizer and Fred Hoiberg for serving as "Literacy Champions".

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, and Harper. Nays, none. Absent or not voting, 3: Johnson, McKean, and Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 497, the following corrections were made:

1. Page 13, line 22, the sentence beginning with the words "The nonvoting" is a new paragraph.
2. Page 22, line 20, the word and number "section 21" were changed to the word and number "section 20".

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-3419	S.F. 532	Jeff Lamberti
S-3420	S.F. 530	Jeff Angelo
S-3421	H.F. 564	Eugene S. Fraise Mark Zieman
S-3422	S.F. 530	Jeff Angelo

# JOURNAL OF THE SENATE

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ONE-HUNDRED SIXTH CALENDAR DAY  
SIXTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 23, 2001

The Senate met in regular session at 1:20 p.m., President Kramer presiding.

Prayer was offered by Father Michael Schueller, pastor of St. Boniface Catholic Church in Garner and St. Wenceslaus Catholic Church in Duncan, Iowa, guest of Senator Gaskill.

The Journal of Friday, April 20, 2001, was approved.

The Senate stood at ease at 1:47 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:30 p.m., President Kramer presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 265**, a bill for an act prohibiting the installation, distribution, or sale of nonoperative air bags and providing a penalty.

**Senate File 313**, a bill for an act relating to removal of county board of supervisor appointees.

**Senate File 323**, a bill for an act relating to the standard for investment of retirement funds by municipal utilities.

ALSO: That the House has on April 23, 2001, **amended and adopted** the following resolution in which the concurrence of the Senate is asked:

**Senate Joint Resolution 3**, a joint resolution authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date. (S-3425)

ALSO: That the House has on April 23, 2001, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 81**, a bill for an act relating to limitations on the disbursement of economic development financial assistance moneys by state agencies. (S-3426)

**Senate File 84**, a bill for an act prohibiting the sale or distribution of purple loosestrife. (S-3427)

UNFINISHED BUSINESS  
(Deferred April 19, 2001)

**Senate File 526**

The Senate resumed consideration of **Senate File 526**, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law, deferred April 19, 2001.

Senator Fiegen offered amendment S-3416, filed by him on April 19, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3416 lost by a voice vote.

Senator Shearer offered amendment S-3418, filed by Senators Shearer and Fiegen on April 19, 2001, to page 1 of the bill, and moved its adoption.

Amendment S-3418 lost by a voice vote.

Senator Connolly offered amendment S-3417, filed by Senators Connolly and Fiegen on April 19, 2001, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3417 be adopted?" (S.F. 526), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	McKean	Shearer
Soukup			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-3417 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren, until he returns, on request of Senator Bartz.

### BUSINESS PENDING

### Senate File 526

The Senate resumed consideration of Senate File 526.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 526), the vote was:

Ayes, 32:

Angelo	Bartz	Behn	Boettger
Drake	Flynn	Freeman	Gaskill
Greiner	Gronstal	Hansen	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 17:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Hammond	Harper	Holveck
Horn	Kibbie	McKean	Shearer
Soukup			

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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 526** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### House File 687

On motion of Senator Drake, **House File 687**, a bill for an act relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation, with report of committee

recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Drake offered amendment S-3354, filed by him on April 12, 2001, to pages 3 and 5 of the bill, and moved its adoption.

Amendment S-3354 was adopted by a voice vote.

Senator Lamberti offered amendment S-3384, filed by him on April 18, 2001, to page 4 and to the title page of the bill.

Senator Gronstal raised the point of order that amendment S-3384 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-3384 in order.

Senator Gronstal asked and received unanimous consent that action on amendment S-3384 and **House File 687** be **deferred**.

#### MOTION TO RECONSIDER ADOPTED

Senator Iverson called up the motion to reconsider Senate File 514, filed by him on April 17, 2001, found on page 1165 of the Senate Journal, and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 514), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Veenstra	Zieman		

Nays, 24:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn

Kibbie  
Rittmer

Lundby  
Shearer

McCoy  
Soukup

McLaren  
Tinsman

Absent or not voting, none.

The motion prevailed.

The motions to reconsider Senate File 514, filed by Senators Bartz and Shearer on April 17, 2001, and found on page 1165 of the Senate Journal, were out of order.

### BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 514** be referred to the committee on **Ways and Means**.

### RECESS

On motion of Senator Iverson, the Senate recessed at 4:44 p.m. until the completion of a meeting of the committee on Ways and Means.

### RECONVENED

The Senate reconvened at 6:47 p.m., President Kramer presiding.

### QUORUM CALL

Senator Angelo requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent, and a quorum present.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 354**, a bill for an act relating to limitations on filing medical assistance claims against a decedent's estate.

**Senate File 412**, a bill for an act relating to the compulsory attendance age and attendance at school during the regular school calendar by a child who has reached the age of sixteen.

**Senate File 525**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

ALSO: That the House has on April 23, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 73**, a bill for an act relating to the powers and duties of the executive director of the commission of veterans affairs by providing for the recognition of honor guard units of veterans organizations to perform honor guard services.

**House File 229**, a bill for an act relating to judicial district departments of correctional services by providing for a judgment lien for supervision fees and for the establishment of a reserve peace officer force.

**House File 674**, a bill for an act relating to the reorganization or dissolution of an area education agency.

ALSO: That the House has on April 23, 2001, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 209**, a bill for an act providing for the control of paratuberculosis, and providing for penalties. (S-3444)

**Senate File 336**, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners. (S-3436)

**Senate File 466**, a bill for an act relating to child care and protection public policy provisions involving children. (S-3443)

**Senate File 470**, a bill for an act relating to the regulation of infectious and contagious diseases in animals, and providing for penalties. (S-3438)

**Senate File 473**, a bill for an act relating to the regulation of securities, by defining the terms “agent” and “security”, providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements. (S-3434)

ALSO: That the House has on April 23, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 713**, a bill for an act relating to the administration of county government by providing for the issuance of certain lease or lease-purchase contracts, the recording of certain property transfers, the striking of a requirement to record returns of marriage with real estate recordings, the imposition of a real estate installment contract fee, and changing the date for reporting and paying agricultural land tax credits and family farm tax credits.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 23, 2001, **insisted** on its amendment to **Senate File 346**, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, and the members of the conference committee on the part of the House are: the representative from Adair, Representative Baudler, Chair; the representative from Hamilton, Representative Eichhorn; the representative from Davis, Representative Kreiman; the representative from Linn, Representative Larson; the representative from Wapello, Representative Tremmel.

President Pro Tempore McKean took the chair at 6:55 p.m.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Black, for the remainder of the day, and Senators Dearden, Deluhery, Fink, Flynn, Horn, McCoy, and Shearer, until they return, on request of Senator Gronstal.

## UNFINISHED BUSINESS

**House File 680**

On motion of Senator Tinsman, **House File 680**, a bill for an act relating to child and dependent abuse reporting and civil remedies pertaining to such reporting, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Tinsman offered amendment S-3302, filed by the committee on Human Resources on April 5, 2001, to pages 3, 5, 7, and 8 of the bill, and moved its adoption.

Amendment S-3302 was adopted by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 680), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Boettger
Bolkcom	Connolly	Drake	Dvorsky
Fiegen	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 8:

Black  
Flynn

Dearden  
Horn

Deluhery  
McCoy

Fink  
Shearer

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS  
(Deferred April 9, 2001)

**House File 643**

The Senate resumed consideration of **House File 643**, a bill for an act providing statutory revisions relating to the department of education, school districts, and the kindergarten through grade twelve educational program, deferred April 9, 2001.

Senator Connolly asked and received unanimous consent that action on **House File 643** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 680** be **immediately messaged** to the House.

UNFINISHED BUSINESS  
(Deferred April 19, 2001)

**House File 707**

The Senate resumed consideration of **House File 707**, a bill for an act establishing an interstate distribution center initiative by identifying an activity of a foreign corporation for which a return is not required for state income tax purposes and including effective and retroactive applicability date provisions, deferred April 19, 2001.

Senator Redwine asked and received unanimous consent to withdraw amendment S-3435, filed by him from the floor to page 1 and to the title page of the bill.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 707), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, 1:

Shearer

Absent or not voting, 3:

Black	Flynn	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Redwine asked and received unanimous consent that **Senate File 517** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **House File 707** be **immediately messaged** to the House.

## UNFINISHED BUSINESS

**House File 564**

On motion of Senator Zieman, **House File 564**, a bill for an act providing for the reversion of dividends and distributions by certain cooperative associations, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Fiegen offered amendment S-3433, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3433 be adopted?" (H.F. 564), the vote was:

Ayes, 12:

Bolkcom	Connolly	Dearden	Deluhery
Fiegen	Fink	Hammond	Hansen
Harper	Holveck	Shearer	Soukup

Nays, 35:

Angelo	Bartz	Behn	Boettger
Drake	Dvorsky	Fraise	Freeman
Gaskill	Greiner	Gronstal	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Black	Flynn	Horn
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Amendment S-3433 lost.

Senator Fiegen offered amendment S-3446, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3446 lost by a voice vote.

Senator Fraise offered amendment S-3421, filed by Senators Fraise and Zieman on April 20, 2001, to page 2 of the bill, and moved its adoption.

Amendment S-3421 was adopted by a voice vote.

Senator Zieman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 564), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Boettger
Bolkcom	Connolly	Dearden	Drake
Dvorsky	Fink	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 4:

Deluhery	Fiegen	Harper	Holveck
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Absent or not voting, 3:

Black	Flynn	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 564** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:57 p.m. until 9:00 a.m. Tuesday, April 24, 2001.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mitch Carlyle, Denison — For achieving the rank of Eagle Scout, Troop 55. Senator King (04/23/01).

Lucas Lechtenberg, Denison — For achieving the rank of Eagle Scout, Troop 55. Senator King (04/23/01).

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** April 23, 2001, 5:16 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** None.

**Committee Business:** Passed SF 514 (as amended).

**Adjourned:** 5:43 p.m.

### REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 452, the following corrections were made:

1. Page 1, line 4, the letters "OA." were changed to the number "1."
2. Page 1, line 7, the number "1." was changed to the number "2."
3. Page 1, line 10, the number "2." was changed to the number "3."
4. Page 1, line 34, the words "plans shall" were changed to the word "shall".
5. Page 2, line 14, the letter "d." was changed to the letter "b."

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 23rd day of April, 2001:

Senate Files 114, 186, 384, 452, and 511.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 23, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 433 – Relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

S.F. 449 – Exempting property owned and operated by an Indian housing authority from property tax and including an effective date.

S.F. 462 – Relating to the energy loan fund administered by the department of natural resources.

## STUDY BILL RECEIVED

### **SSB 1270      Ways and Means**

Relating to physical plant and equipment levy amounts collected in urban renewal areas, providing an effective date, and providing for the Act's applicability.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 514**

WAYS AND MEANS: McKibben, Chair; Flynn and Miller

### **Senate File 534**

STATE GOVERNMENT: McKean, Chair; Deluhery and King

**SSB 1270**

WAYS AND MEANS: Connolly, Chair; Miller and Rehberg

**COMMITTEE REPORT****WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 514 (formerly SFs 31 and 226), a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3441.

**Final Vote:** Ayes, 11: McKibben, McKinley, Deluhery, Drake, Flynn, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 4: Harper, Bolkcom, Connolly, and Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**AMENDMENTS FILED**

S-3423	S.F. 530	Jeff Angelo
S-3424	S.F. 530	Steve King
		Robert E. Dvorsky
		Michael E. Gronstal
		Dennis H. Black
		Patrick J. Deluhery
		Wally E. Horn
		Steven D. Hansen
		Joe Bolkcom
		Bill Fink
		Eugene S. Fraise
		Matt McCoy
		Neal Schuerer
		Richard F. Drake
		Mark Ziemann
		Kitty Rehberg
		Jerry Behn
		Mark Shearer
		Betty A. Soukup
		Patricia Harper
		Johnie Hammond
		Jack Holveck
		John P. Kibbie

			Tom Flynn
			Larry McKibben
			JoAnn Johnson
			Paul McKinley
S-3425	S.J.R.	3	House
S-3426	S.F.	81	House
S-3427	S.F.	84	House
S-3428	S.F.	530	Robert E. Dvorsky
S-3429	S.F.	530	Thomas Fiegen
S-3430	S.F.	530	Thomas Fiegen
S-3431	S.F.	530	Eugene S. Fraise
			Mark Shearer
			Johnie Hammond
			Robert E. Dvorsky
S-3432	S.F.	530	Jack Holveck
			Robert E. Dvorsky
			Mary A. Lundby
			Thomas Fiegen
			Mark Shearer
			Tom Flynn
			Patrick J. Deluhery
			Mike Connolly
			Bill Fink
			Joe Bolkcom
			Patricia Harper
			Johnie Hammond
			Michael E. Gronstal
			Betty A. Soukup
			Matt McCoy
			Eugene S. Fraise
			John P. Kibbie
			Steven D. Hansen
			Wally E. Horn
			Dick L. Dearden
			Dennis H. Black
S-3433	H.F.	564	Thomas Fiegen
S-3434	S.F.	473	House
S-3435	H.F.	707	John Redwine
S-3436	S.F.	336	House
S-3437	H.F.	643	Wally E. Horn
S-3438	S.F.	470	House

S-3439	S.F.	530	Steven D. Hansen
S-3440	S.F.	516	Larry McKibben
S-3441	S.F.	514	Ways and Means
S-3442	S.F.	521	Larry McKibben
S-3443	S.F.	466	House
S-3444	S.F.	209	House
S-3445	S.F.	530	Jack Holveck O. Gene Maddox
S-3446	H.F.	564	Thomas Fiegen

# JOURNAL OF THE SENATE

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ONE-HUNDRED SEVENTH CALENDAR DAY  
SIXTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 24, 2001

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by the Reverend Greg Stamm, pastor of the Community Reformed Church in Clinton, Iowa, guest of Senator Rittmer.

The Journal of Monday, April 23, 2001, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator McLaren asked and received unanimous consent to take up for immediate consideration Senate Resolution 41.

### **Senate Resolution 41**

On motion of Senator Fink, **Senate Resolution 41**, a Senate resolution recognizing Iowa State University graduates Marcus Fizer and Fred Hoiberg for serving as “Literacy Champions,” with report of committee recommending passage, was taken up for consideration.

Senator Fink moved the adoption of Senate Resolution 41, which motion prevailed by a voice vote.

## SPECIAL GUESTS

Senator McLaren introduced former Iowa State basketball players Marcus Fizer and Fred Hoiberg, accompanied by Christie Vilsack, First Lady of the State of Iowa.

Senator Hammond presented Marcus Fizer and Fred Hoiberg with enrolled copies of Senate Resolution 41.

Mr. Fizer and Mr. Hoiberg addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gaskill, until he arrives, on request of Senator Sexton; and Senator Lundby, until she arrives, on request of Senator Iverson.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 84

Senator Johnson called up for consideration **Senate File 84**, a bill for an act prohibiting the sale or distribution of purple loosestrife, amended by the House, and moved that the Senate concur in House amendment S-3427, filed April 23, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Johnson 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. 84), the vote was:

Ayes, 46:

Bartz	Behn	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Maddox	McCoy	McKean	McKibben

McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 2:

Angelo	Greiner
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Absent or not voting, 2:

Gaskill	Lundby
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 84** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### **Senate File 514**

On motion of Senator McKibben, **Senate File 514**, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability, placed on the Unfinished Business Calendar on April 5, 2001, with report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 9:39 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:30 a.m., President Kramer presiding.

Senator McKibben offered amendment S-3441, filed by the committee on Ways and Means on April 23, 2001, to pages 10 and 21 of the bill.

President Pro Tempore McKean took the chair at 11:05 a.m.

Senator Hansen called for the following division of amendment S-3441:

Division S-3441A: Page 1, lines 2-31; and

Division S-3441B: Page 1, lines 32-50; and page 2, lines 1-34.

President Kramer took the chair at 11:19 a.m.

Senator Hansen raised the point of order that division S-3441A was not germane to the bill.

The Chair ruled the point not well-taken and division S-3441A in order.

President Pro Tempore McKean took the chair at 11:28 a.m.

(Action on division S-3441A and Senate File 514 was deferred, division S-3441B pending.)

The Senate stood at ease at 11:33 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 12:42 p.m., Senator Veenstra presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren, for the remainder of the week, on request of Senator Jensen.

#### QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent, and a quorum present.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kramer, until she returns, on request of Senator Iverson; Senator McCoy, until he returns, on request of Senator Gronstal; and Senator Rittmer, until he returns, on request of Senator Jensen.

## BUSINESS PENDING

**Senate File 514**

The Senate resumed consideration of **Senate File 514**, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability, and division S-3441A, previously deferred (division S-3441B pending).

Senator McKibben moved the adoption of division S-3441A.

A record roll call was requested.

On the question "Shall division S-3441A be adopted?" (S.F. 514), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Drake	Fiegen	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
King	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Shearer	Soukup		

Absent or not voting, 4:

Kramer	McCoy	McLaren	Rittmer
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Division S-3441A was adopted.

Senator McKibben offered amendment S-3460, filed by him from the floor to page 1 of division S-3441B.

Amendment S-3460 was adopted by a voice vote.

Senator Holveck asked and received unanimous consent that action on division S-3441B, as amended, and **Senate File 514** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

### Senate File 81

Senator Angelo called up for consideration **Senate File 81**, a bill for an act relating to limitations on the disbursement of economic development financial assistance moneys by state agencies, amended by the House, and moved that the Senate concur in House amendment S-3426, filed April 23, 2001.

A nonrecord roll call was requested.

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 25, nays 23.

The motion prevailed and the Senate **concurred** in the House amendment.

Senator Angelo moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 81), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Soukup
Tinsman	Veenstra	Zieman	

Nays, 5:

Bolkcom	Dvorsky	Fiegen	Hammond
Shearer			

Absent or not voting, 2:

McCoy	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 AMENDMENT CONSIDERED

#### Senate File 209

Senator Kibbie called up for consideration **Senate File 209**, a bill for an act providing for the control of paratuberculosis, and providing for penalties, amended by the House, and moved that the Senate concur in House amendment S-3444, filed April 23, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kibbie 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. 209), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## BUSINESS PENDING

### Senate File 514

The Senate resumed consideration of **Senate File 514**, a bill for an act relating to a maximum property tax dollars limitation for counties and providing for the Act's applicability, and division S-3441B, as amended, previously deferred.

Senator Holveck offered amendment S-3473, filed by Senators Holveck and McKibben from the floor to page 2 of division S-3441B, and moved its adoption.

Amendment S-3473 was adopted by a voice vote.

Senator McKibben moved the adoption of division S-3441B, as amended, which motion prevailed by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 514), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Drake	Flynn	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Maddox	McKean	McKibben	McKinley

Miller	Redfern	Redwine	Rehberg
Schuerer	Sexton	Shearer	Zieman

Nays, 20:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Lundby	McCoy
Rittmer	Soukup	Tinsman	Veenstra

Present, 1:

Black

Absent or not voting, 1:

McLaren

### POINT OF ORDER

Senator Bartz raised the point of order whether Rule 23 requires that a member must declare their conflict of interest when voting “Present.”

Senator Black stated his conflict of interest.

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 473**

Senator Johnson called up for consideration **Senate File 473**, a bill for an act relating to the regulation of securities, by defining the terms “agent” and “security”, providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements, amended by the House in House amendment S-3434, filed April 23, 2001, and deferred to Senator Maddox.

Senator Maddox moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Johnson 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. 473), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 346** on the part of the Senate: Senators McKean, Chair; Angelo, Hammond, Holveck, and King.

## MOTIONS TO RECONSIDER RULED

**Senate File 514**

The Chair ruled the following motions to reconsider filed from the floor out of order:

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 514 passed the Senate on April 24, 2001.

LARRY McKIBBEN

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 514 passed the Senate on April 24, 2001.

MARK SHEARER

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator Veenstra.

## HOUSE AMENDMENT CONSIDERED

**Senate File 336**

Senator Redwine called up for consideration **Senate File 336**, a bill for an act relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners, amended by the House, and moved that the Senate concur in House amendment S-3436, filed April 23, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Redwine 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. 336), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Johnson	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Jensen	Lundby	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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 209, 336, 473, and 514** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 3:40 p.m. until the fall of the gavel.

### EVENING SESSION

The Senate reconvened at 5:45 p.m., President Kramer presiding.

### QUORUM CALL

Senator McKean requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 57**, a bill for an act relating to approval of city ordinances granting certain utility franchises.

**Senate File 184**, a bill for an act relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment.

**Senate File 344**, a bill for an act restricting the exemption in the public records law for communications made to government bodies.

**Senate File 418**, a bill for an act relating to unemployment compensation by providing that social security pension payments are nondeductible from unemployment benefits and providing for coverage for employment by an Indian tribe.

ALSO: That the House has on April 24, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 180**, a bill for an act relating to exceptions to the required participation in a court-approved course prior to the granting of a final dissolution of marriage decree or the entering of a final custody order.

**House File 598**, a bill for an act establishing a child protection center grant program.

**House File 694**, a bill for an act relating to housing by creating a housing trust fund and a housing trust commission.

ALSO: That the House has on April 24, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 712**, a bill for an act relating to the annual filing for the family farm tax credit, to the notification to the assessor of the change in ownership or the person actively engaged in farming the tract of agricultural land for which the family farm tax credit is allowed, providing a penalty, and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 24, 2001, **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 590**, a bill for an act relating to the testing of individuals and the release of the results of tests for communicable and infectious diseases and for the human immunodeficiency virus and making penalties applicable. (S-3456)

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 530.

#### **Senate File 530**

On motion of Senator Angelo, **Senate File 530**, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date, was taken up for consideration.

Senator Angelo asked and received unanimous consent to withdraw amendment S-3394, filed by him on April 18, 2001, to pages 2, 12, 18, 21, and 26-28 of the bill.

With the withdrawal of amendment S-3394, the Chair ruled amendment S-3406, filed by Senator Angelo on April 19, 2001, to page 1 of amendment S-3394, out of order.

Senator Angelo offered amendment S-3420, filed by him on April 20, 2001, to pages 2, 12, 18, 21, and 26-28 of the bill, and moved its adoption.

Amendment S-3420 was adopted by a voice vote.

Senator Holveck offered amendment S-3432, filed by Senator Holveck, et al., on April 23, 2001, to page 4 of the bill.

Senator Holveck asked and received unanimous consent that action on amendment S-3432 be deferred.

Senator Angelo offered amendment S-3477, filed by Senators Angelo and Lundby from the floor to page 4 of the bill, and moved its adoption.

Amendment S-3477 was adopted by a voice vote.

With the adoption of amendment S-3477, the Chair ruled amendment S-3432, previously deferred, out of order.

Senator Fraise asked and received unanimous consent to withdraw amendment S-3391, filed by Senators Fraise and Hammond on April 18, 2001, to pages 6-8 of the bill.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rittmer, until he returns, on request of Senator McKean.

#### BUSINESS PENDING

#### **Senate File 530**

The Senate resumed consideration of Senate File 530.

Senator Fraise offered amendment S-3431, filed by Senator Fraise, et al., on April 23, 2001, to pages 6-8 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3431 be adopted?” (S.F. 530), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	McKean	Shearer
Soukup			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

McLaren	Rittmer
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Amendment S–3431 lost.

Senator Angelo offered amendment S–3476, filed by him from the floor to pages 6–8, 21, and 23 of the bill.

Senator Angelo asked and received unanimous consent that action on amendment S–3476 be deferred.

Senator Dvorsky offered amendment S–3428, filed by him on April 23, 2001, to pages 13 and 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3428 be adopted?” (S.F. 530), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond

Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

McLaren

Amendment S-3428 lost.

Senator Hansen offered amendment S-3439, filed by him on April 23, 2001, to page 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3439 be adopted?" (S.F. 530), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Redwine	Shearer
Soukup			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

McLaren

Amendment S–3439 lost.

Senator Boettger took the chair at 6:49 p.m.

Senator Dvorsky offered amendment S–3472, filed by Senators Dvorsky, Hammond, and Bolkcom from the floor to page 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3472 be adopted?” (S.F. 530), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	McKean	Shearer
Soukup			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

McLaren

Amendment S–3472 lost.

Senator Angelo offered amendment S–3393, filed by him on April 18, 2001, to page 18 of the bill.

Senator Dvorsky called for the following division of amendment S-3393:

Division S-3393A: Lines 2-4; and  
 Division S-3393B: Lines 5-7.

Senator Angelo moved the adoption of division S-3393A, which motion prevailed by a voice vote.

Senator Angelo moved the adoption of division S-3393B.

A record roll call was requested.

On the question "Shall division S-3393B be adopted?" (S.F. 530), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Drake	Flynn	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Absent or not voting, 1:

McLaren

Division S-3393B was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, until he returns, on request of Senator Freeman.

## BUSINESS PENDING

**Senate File 530**

The Senate resumed consideration of Senate File 530.

Senator Fiegen offered amendment S-3430, filed by him on April 23, 2001, to pages 21 and 22 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3430 be adopted?" (S.F. 530), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup			

Nays, 27:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 2:

Bartz	McLaren
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Amendment S-3430 lost.

Senator Angelo asked and received unanimous consent to withdraw amendment S-3422, filed by him on April 20, 2001, to page 22 of the bill.

Senator Angelo offered amendment S-3423, filed by him on April 23, 2001, to page 22 of the bill, and moved its adoption.

Amendment S-3423 was adopted by a voice vote.

Senator Fiegen offered amendment S-3429, filed by him on April 23, 2001, to page 23 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3429 be adopted?" (S.F. 530), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

McLaren

Amendment S-3429 lost.

President Kramer took the chair at 7:53 p.m.

Senator King offered amendment S-3424, filed by Senator King, et al., on April 23, 2001, to pages 24 and 26 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3424 be adopted?” (S.F. 530), the vote was:

Ayes, 31:

Behn	Black	Bolkcom	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Johnson
Kibbie	King	McCoy	McKibben
McKinley	Rehberg	Rittmer	Schuerer
Shearer	Soukup	Zieman	

Nays, 18:

Angelo	Bartz	Boettger	Freeman
Gaskill	Iverson	Jensen	Kramer
Lamberti	Lundby	Maddox	McKean
Miller	Redfern	Redwine	Sexton
Tinsman	Veenstra		

Absent or not voting, 1:

McLaren

Amendment S–3424 was adopted.

Senator Holveck offered amendment S–3445, filed by Senators Holveck and Maddox on April 23, 2001, to page 29 of the bill, and moved its adoption.

Amendment S–3445 was adopted by a voice vote.

The Senate resumed consideration of amendment S–3476, previously deferred.

Senator Dvorsky called for the following division of amendment S–3476:

Division S–3476A: Lines 2–24 and 29–31; and  
 Division S–3476B: Lines 25–28.

Senator Angelo moved the adoption of division S–3476A, which motion prevailed by a voice vote.

Senator Angelo moved the adoption of division S–3476B.

A record roll call was requested.

On the question "Shall division S-3476B be adopted?" (S.F. 530), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 1:

McLaren

Division S-3476B was adopted.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 530), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 1:

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 18, 2001)

**House File 502**

The Senate resumed consideration of **House File 502**, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability, deferred April 18, 2001 (amendment S-3367 pending).

Senator Fiegen offered amendment S-3461, filed by him from the floor to pages 2 and 4-6 of the bill, and moved its adoption.

Amendment S-3461 lost by a voice vote.

Senator Fiegen offered amendment S-3464, filed by him from the floor to pages 2 and 4-6 of the bill, and moved its adoption.

Amendment S-3464 lost by a voice vote.

Senator Fiegen offered amendment S-3465, filed by him from the floor to pages 2 and 4-6 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3465 be adopted?" (H.F. 502), the vote was:

Ayes, 22:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Gronstal	Hammond	Harper	Holveck
Horn	Kibbie	McCoy	McKean
Shearer	Soukup		

Nays, 27:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Hansen	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

McLaren

Amendment S-3465 lost.

Senator Fiegen offered amendment S-3466, filed by him from the floor to pages 2 and 4-6 of the bill.

Senator Fiegen moved the adoption of amendment S-3466.

Amendment S-3466 lost by a voice vote.

Senator Fiegen offered amendment S-3479, filed by him from the floor to pages 2 and 4-6 of the bill, and moved its adoption.

Amendment S-3479 lost by a voice vote.

Senator Greiner asked and received unanimous consent to withdraw amendment S-3448, filed by her from the floor to page 4 of the bill.

Senator Fiegen offered amendment S-3478, filed by him from the floor to pages 4 and 7 of the bill.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3478.

Senator Greiner offered amendment S-3480, filed by her from the floor to page 4 of the bill and moved its adoption.

Amendment S-3480 was adopted by a voice vote.

The Senate resumed consideration of amendment S-3367, previously deferred.

Senator Fiegen moved the adoption of amendment S-3367.

Amendment S-3367 lost by a voice vote.

Senator Fiegen offered amendment S-3467, filed by him from the floor to pages 4-6 of the bill.

Senator Greiner raised the point of order that amendment S-3467 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3467 out of order.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3468, filed by him from the floor to pages 4-6 of the bill.

Senator Greiner offered amendment S-3372, filed by her on April 17, 2001, to page 6 of the bill, and moved its adoption.

Amendment S-3372 was adopted by a voice vote.

Senator Fiegen offered amendment S-3462, filed by him from the floor to page 7 of the bill.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3462.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3463, filed by him from the floor to page 7 of the bill.

Senator Fiegen offered amendment S-3469, filed by him from the floor to page 7 of the bill.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3469.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3474, filed by him from the floor to page 7 of the bill.

Senator Fiegen offered amendment S-3483, filed by him from the floor to pages 1, 7, and to the title page of the bill.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3483.

Senator Fiegen asked and received unanimous consent to withdraw amendment S-3484, filed by him from the floor to pages 2, and 4-6 of the bill.

Senator Greiner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 502), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Deluhery	Drake
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hansen
Harper	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Soukup	Tinsman
Veenstra	Zieman		

Nays, 7:

Bolkcom	Dearden	Dvorsky	Fiegen
Hammond	Holveck	Shearer	

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.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 502** be **immediately messaged** to the House.

#### WITHDRAWN

Senator Greiner asked and received unanimous consent that **Senate File 456** be **withdrawn** from further consideration of the Senate.

#### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 716**, a bill for an act providing for taxes relating to the sale of ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability.

Read first time and attached to **similar Senate File 518**.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 10:25 p.m. until the completion of a meeting of the committee on Rules and Administration.

#### RECONVENED

The Senate reconvened at 10:30 p.m., President Kramer presiding.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 535.

**Senate File 535**

On motion of Senator Redfern, **Senate File 535**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, was taken up for consideration.

Senator Redfern asked and received unanimous consent that action on **Senate File 535** be **deferred**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:38 p.m. until 9:00 a.m. Wednesday, April 25, 2001.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty English-as-a-Second-Language students from Davenport West High School, Davenport, Iowa, accompanied by Karin Hanson. Senators Deluhery, Fiegen, and Tinsman.

### SIMILAR BILL RECEIVED

On April 24, 2001, **House File 716** was received and attached to similar **Senate File 518** on the Senate calendar.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** April 24, 2001, 5:00 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** Lundby (excused).

**Committee Business:** Passed HF's 706 and 718.

**Adjourned:** 5:40 p.m.

#### RULES AND ADMINISTRATION

**Convened:** April 24, 2001, 10:26 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed SR 42 and LSB 3676xc.

**Adjourned:** 10:27 p.m.

**WAYS AND MEANS**

**Convened:** April 24, 2001, 4:27 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** Lamberti (excused).

**Committee Business:** Passed HF's 705, 711, and 715. Approved SSB 1270 (as amended).

**Adjourned:** 4:46 p.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Concurrent Resolution 26**, by committee on Rules and Administration, a concurrent resolution requesting that the Attorney General of the State of Iowa vigorously enforce Iowa corporate farming law which prohibits processors from owning, controlling, or operating a feedlot in Iowa in which hogs or cattle are fed for slaughter.

Read first time under Rule 28 and **placed on calendar.**

**Senate Resolution 42**, by Hansen, a Senate resolution recognizing Don "Skip" Meisner upon his retirement.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

**STUDY BILL RECEIVED****SSB 1271      Appropriations**

Relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

### House File 712

WAYS AND MEANS: Rehberg, Chair; Flynn and Greiner

### House File 713

WAYS AND MEANS: Miller, Chair; Bolkcom and Greiner

### SSB 1271

APPROPRIATIONS: Kramer, Chair; Hammond and Lamberti

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 24th day of April, 2001:

Senate Files 62, 168, 169, 259, and 337.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 24, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 355 – Providing for the release of custody and termination of parental rights for certain newborn infants whose parent or person authorized to act on the parent's behalf relinquishes physical custody at certain health facilities and providing certain immunity from prosecution and civil liability for such parent or person, establishing confidentiality protections and a penalty, and providing an effective date.

S.F. 497 – Relating to the governance of the Iowa public employees' retirement system and providing an effective date.

S.F. 500 – Relating to insurance, by addressing the operation and regulation of insurance companies, mutual insurance associations, the Iowa insurance guaranty association, and other insurance or risk-assuming entities, including the rights and duties of such entities and the powers and authority of the insurance commissioner; by

establishing jurisdiction and venue requirements for actions against the Iowa insurance guaranty association; and providing penalties, repeals, and effective dates.

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 514, the following corrections were made:

1. Page 23, line 21, the words and numbers "Sections 100 through 102" were changed to the words and numbers "Sections 24 through 26".
2. Page 23, line 23, the word and number "Section 200" were changed to the word and number "Section 27".

MICHAEL E. MARSHALL  
Secretary of the Senate

## MOTIONS TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 81 passed the Senate on April 24, 2001.

MARY A. LUNDBY

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 530 passed the Senate on April 24, 2001.

ANDY McKEAN

## COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 706, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 24: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 718, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the

department of workforce development, and the public employment relations board, making related statutory changes, and providing effective dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann. Nays, 10: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, 1: Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 26 (LSB 3676xc), a concurrent resolution requesting that the Attorney General of the State of Iowa vigorously enforce Iowa corporate farming law which prohibits processors from owning, controlling, or operating a feedlot in Iowa in which hogs or cattle are fed for slaughter.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 42, a Senate resolution recognizing Don "Skip" Meisner upon his retirement.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 705, a bill for an act relating to sales and use taxes on the delivery of electricity and natural gas and to the rate of tax for providing metered gas, electricity, and fuel to provide energy for residential customers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Lamberti.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 711, a bill for an act relating to the levy of tax assessments for drainage or levee districts.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 2: Lamberti and Maddox.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 715, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, franchise, hotel and motel, environmental protection charge on petroleum diminution, property, cigarette and tobacco products, and inheritance taxes, local option taxes, and including effective and retroactive applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 2: Lamberti and Maddox.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

S-3447	S.F.	535	Joe Bolkcom
S-3448	H.F.	502	Sandra Greiner
S-3449	S.F.	535	Mike Connolly
			Joe Bolkcom
			Patrick J. Deluhery
			Tom Flynn
			Jack Holveck
			Betty A. Soukup
			Matt McCoy
			Patricia Harper
			Robert E. Dvorsky
S-3450	S.F.	535	Tom Flynn
			Steven D. Hansen
			Bill Fink
			Jack Holveck

			Thomas Fiegen
			Matt McCoy
			Dennis H. Black
			Patrick J. Deluhery
			Mike Connolly
			Robert E. Dvorsky
			John P. Kibbie
S-3451	S.F.	535	Joe Bolkom
			Patrick J. Deluhery
			Tom Flynn
			Matt McCoy
			Jack Holveck
			Thomas Fiegen
			Betty A. Soukup
			Dennis H. Black
			Patricia Harper
			Johnie Hammond
			Robert E. Dvorsky
S-3452	S.F.	535	Mike Connolly
			Joe Bolkom
			Patrick J. Deluhery
			Tom Flynn
			Jack Holveck
			Thomas Fiegen
			Betty A. Soukup
			Matt McCoy
			Dennis H. Black
			Patricia Harper
			Johnie Hammond
			Robert E. Dvorsky
S-3453	S.F.	535	John P. Kibbie
			Steven D. Hansen
			Robert E. Dvorsky
S-3454	S.F.	535	John P. Kibbie
			Johnie Hammond
			Patricia Harper
			Matt McCoy
			Mike Connolly
			Joe Bolkom
			Patrick J. Deluhery

			Jack Holveck
			Betty A. Soukup
S-3455	S.F.	535	John P. Kibbie
			Steven D. Hansen
			Robert E. Dvorsky
			Dennis H. Black
S-3456	H.F.	590	House
S-3457	S.F.	535	Robert E. Dvorsky
			Johnie Hammond
			Bill Fink
			Patricia Harper
			Joe Bolkcom
			Jack Holveck
			Patrick J. Deluhery
			Tom Flynn
			Thomas Fiegen
			Betty A. Soukup
			Matt McCoy
			Dennis H. Black
S-3458	S.F.	535	Patricia Harper
			Matt McCoy
			Johnie Hammond
			Robert E. Dvorsky
			John P. Kibbie
			Dennis H. Black
			Patrick J. Deluhery
			Joe Bolkcom
			Mike Connolly
			Bill Fink
S-3459	S.F.	535	John P. Kibbie
			Robert E. Dvorsky
			Dennis H. Black
S-3460	S.F.	514	Larry McKibben
S-3461	H.F.	502	Thomas Fiegen
S-3462	H.F.	502	Thomas Fiegen
S-3463	H.F.	502	Thomas Fiegen
S-3464	H.F.	502	Thomas Fiegen
S-3465	H.F.	502	Thomas Fiegen
S-3466	H.F.	502	Thomas Fiegen
S-3467	H.F.	502	Thomas Fiegen
S-3468	H.F.	502	Thomas Fiegen

S-3469	H.F.	502	Thomas Fiegen
S-3470	S.F.	524	John P. Kibbie
			Bill Fink
			Betty A. Soukup
			Matt McCoy
			Mike Connolly
			Tom Flynn
			Patrick J. Deluhery
			Patricia Harper
			Johnie Hammond
			Thomas Fiegen
			Dennis H. Black
			Wally E. Horn
			Robert E. Dvorsky
			Eugene S. Fraise
S-3471	S.F.	535	Michael E. Gronstal
S-3472	S.F.	530	Robert E. Dvorsky
			Johnie Hammond
			Joe Bolkcom
S-3473	S.F.	514	Jack Holveck
			Larry McKibben
S-3474	H.F.	502	Thomas Fiegen
S-3475	H.F.	349	John Redwine
S-3476	S.F.	530	Jeff Angelo
S-3477	S.F.	530	Jeff Angelo
			Mary A. Lundby
S-3478	H.F.	502	Thomas Fiegen
S-3479	H.F.	502	Thomas Fiegen
S-3480	H.F.	502	Sandra Greiner
S-3481	H.F.	519	Robert E. Dvorsky
			Jack Holveck
			Joe Bolkcom
S-3482	S.F.	535	Donald B. Redfern
S-3483	H.F.	502	Thomas Fiegen
S-3484	H.F.	502	Thomas Fiegen

# JOURNAL OF THE SENATE

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ONE-HUNDRED EIGHTH CALENDAR DAY  
SIXTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 25, 2001

The Senate met in regular session at 9:05 a.m., Senator Angelo presiding.

Prayer was offered by the Honorable Stewart Iverson, Jr., member of the Senate from Wright County, Dows, Iowa.

The Journal of Tuesday, April 24, 2001, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 726**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date.

Read first time and referred to committee on **Appropriations**.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 26.

**Senate Concurrent Resolution 26**

On motion of Senator Iverson, **Senate Concurrent Resolution 26**, a concurrent resolution requesting that the Attorney General of the State of Iowa vigorously enforce Iowa corporate farming law which prohibits processors from owning, controlling, or operating a feedlot in Iowa in which hogs or cattle are fed for slaughter, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 26, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 26** be **immediately messaged** to the House.

UNFINISHED BUSINESS  
(Deferred April 24, 2001)

**Senate File 535**

The Senate resumed consideration of **Senate File 535**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, deferred April 24, 2001.

Senator Harper offered amendment S-3458, filed by Senator Harper, et al., on April 24, 2001, to pages 2 and 24 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3458 be adopted?” (S.F. 535), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

McLaren

Amendment S–3458 lost.

Senator Redfern offered amendment S–3485, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment S–3485 was adopted by a voice vote.

Senator Redfern offered amendment S–3482, filed by him on April 24, 2001, to pages 5, 6, 8, 11–13, 17–20, 22–24, and 26 of the bill.

President Kramer took the chair at 9:55 a.m.

Senator Kibbie offered amendment S–3488, filed by Senator Kibbie, et al., from the floor to pages 1 and 2 of amendment S–3482, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3488 to amendment S–3482 be adopted?” (S.F. 535), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Shearer
Soukup			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

McLaren

Amendment S–3488 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Veenstra, until he returns, on request of Senator Zieman.

### BUSINESS PENDING

### Senate File 535

The Senate resumed consideration of Senate File 535.

Senator Hammond offered amendment S–3489, filed by Senator Hammond, et al., from the floor to page 2 of amendment S–3482, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3489 to amendment S-3482 be adopted?" (S.F. 535) the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Zieman

Absent or not voting, 2:

McLaren                      Veenstra

Amendment S-3489 lost.

Senator Hansen offered amendment S-3486, filed by Senators Hansen, Dvorsky, and Kibbie from the floor to page 2 of amendment S-3482, moved its adoption.

Amendment S-3486 lost by a voice vote.

Senator Flynn offered amendment S-3490, filed by Senator Flynn, et al., from the floor to page 2 of amendment S-3482, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3490 to amendment S-3482 be adopted?" (S.F. 535), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond

Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Shearer
Soukup	Tinsman		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Absent or not voting, 1:

McLaren

Amendment S-3490 lost.

Senator Redfern moved the adoption of amendment S-3482.

A record roll call was requested.

On the question "Shall amendment S-3482 be adopted?" (S.F. 535), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

Amendment S-3482 was adopted.

With the adoption of S-3482, the Chair ruled the following amendments out of order:

S-3455, filed by Senator Kibbie, et al., on April 24, 2001, to page 11 of the bill;

S-3457, filed by Senator Dvorsky, et al., on April 24, 2001, to pages 12-20 of the bill;

S-3471, filed by Senator Gronstal on April 24, 2001, to page 20 of the bill;

S-3453, filed by Senators Hansen, Dvorsky, and Kibbie on April 24, 2001, to page 23 of the bill; and

S-3450, filed by Senator Flynn, et al., on April 24, 2001, to page 24 of the bill.

Senator Hammond asked and received unanimous consent to withdraw amendment S-3454, filed by Senator Hammond, et al., on April 24, 2001, to pages 9 and 10 of the bill.

Senator Connolly offered amendment S-3449, filed by Senator Connolly, et al., on April 24, 2001, to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3449 be adopted?" (S.F. 535), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Black	Bolcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner

Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

McLaren

Amendment S-3449 lost.

Senator Veenstra asked and received unanimous consent that action on **Senate File 535** be **deferred**.

RECESS

On motion of Senator Veenstra, the Senate recessed at 11:40 a.m. until 1:30 p.m.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifth grade students from Lakeview Elementary in Centerville, Iowa, accompanied by Kim Walker. Senator McKinley.

Fourth, fifth, and sixth grade students from Elma Elementary in Elma, Iowa, accompanied by Linn Murray. Senator Soukup.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

David Joswiak, Marshalltown — For receiving the 2001 Law Enforcement Victim Service Award. Senator McKibben (04/25/01).

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** April 25, 2001, 11:48 a.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Bolcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** Black (excused).

**Committee Business:** Passed HF 719 (as amended) and approved SSB 1271.

**Adjourned:** 12:50 p.m.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 43**, by Horn, a Senate resolution urging the Iowa Department of Education's program, Regional Autism Services program, to continue compiling and maintaining yearly records regarding individuals with autism and related disorders.

Read first time under Rule 28 and referred to committee on **Rules and Administration.**

**STUDY BILL RECEIVED**

**SSB 1272      State Government**

Providing for congressional and legislative districts and providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 726**

APPROPRIATIONS: Tinsman, Chair; Bolkcom and Lamberti

**SSB 1272**

STATE GOVERNMENT: King, Chair; Connolly, Kibbie, Lamberti, and Sexton

## AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., President Kramer presiding.

## QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent, and a quorum present.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Angelo and McKean, until they return, on request of Senator Drake.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 141**, a bill for an act relating to the allocation of program job credits to program costs under the accelerated career education program and providing effective and retroactive applicability dates.

ALSO: That the House has on April 25, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 350**, a bill for an act making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport. (S-3494)

## BUSINESS PENDING

**Senate File 535**

The Senate resumed consideration of **Senate File 535**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, previously deferred.

Senator Connolly offered amendment S-3452, filed by Senator Connolly, et al., on April 24, 2001, to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3452 be adopted?" (S.F. 535), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Rittmer
Shearer	Soukup		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

McLaren

Amendment S-3452 lost.

President Pro Tempore McKean took the chair at 2:20 p.m.

Senator Bolkom withdrew amendment S-3447, filed by him on April 24, 2001, to page 16 of the bill.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, until she returns, on request of Senator Freeman.

### BUSINESS PENDING

### Senate File 535

The Senate resumed consideration of Senate File 535.

Senator Bolkom offered amendment S-3451, filed by Senator Bolkom, et al., on April 24, 2001, to page 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3451 be adopted?" (S.F. 535), the vote was:

Ayes, 22:

Black	Boettger	Bolkom	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
Shearer	Soukup		

Nays, 26:

Angelo	Bartz	Behn	Freeman
Gaskill	Greiner	Iverson	Jensen
Johnson	King	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 2:

Kramer	McLaren
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Amendment S-3451 lost.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Boettger and McKinley, until they return, on request of Senator Freeman.

### BUSINESS PENDING

### Senate File 535

The Senate resumed consideration of Senate File 535.

Senator Kibbie offered amendment S-3459, filed by Senators Kibbie, Dvorsky, and Black on April 24, 2001, to page 23 of the bill.

Senator Redfern raised the point of order that amendment S-3459 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-3459 in order.

Senator Kibbie moved the adoption of amendment S-3459.

A record roll call was requested.

On the question "Shall amendment S-3459 be adopted?" (S.F. 535), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Shearer
Soukup			

Nays, 26:

Angelo	Bartz	Behn	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben

Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 3:

Boettger	McKinley	McLaren
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Amendment S-3459 lost.

With the failure of amendment S-3459, the Chair ruled amendment S-3487, filed by Senators Kibbie, Dvorsky, and Black from the floor to page 23 of the bill, out of order.

Senator Holveck offered amendment S-3492, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S-3492 lost by a voice vote.

Senator Kibbie offered amendment S-3491, filed by Senators Kibbie and Horn from the floor to page 12 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 20, nays 25.

Amendment S-3491 lost.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 535), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Kramer took the chair at 3:33 p.m.

#### IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **Senate File 535** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS

#### House File 354

On motion of Senator Redwine, **House File 354**, a bill for an act relating to the pronouncement of death by a physician assistant, a licensed practical nurse, or a registered nurse, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Gronstal offered amendment S-3358, filed by Senators Gronstal, Jensen, and Fraise on April 16, 2001, to page 2 and to the title page of the bill.

The Senate stood at ease at 3:47 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:20 p.m., President Kramer presiding.

Senator Redwine raised the point of order that amendment S-3358 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3358 out of order.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Johnson and Veenstra, until they return, on request of Senator McKean.

### BUSINESS PENDING

#### House File 354

The Senate resumed consideration of House File 354.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 354), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

Johnson	McLaren	Veenstra
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 354** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 718.

**House File 718**

On motion of Senator Behn, **House File 718**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, making related statutory changes, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Shearer offered amendment S-3525, filed by Senator Shearer, et al., from the floor to page 2 of the bill.

Senator Shearer asked and received unanimous consent to withdraw amendment S-3525.

Senator Deluhery offered amendment S-3522, filed by Senator Deluhery, et al., from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3522 be adopted?" (H.F. 718), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Zieman

Absent or not voting, 2:

McLaren	Veenstra
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Amendment S-3522 lost.

Senator Fiegen offered amendment S-3521, filed by Senator Fiegen, et al., from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-3521 lost by a voice vote.

Senator Angelo took the chair at 5:45 p.m.

Senator Bolkcom offered amendment S-3527, filed by Senator Bolkcom, et al., from the floor to pages 8-10 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3527 be adopted?" (H.F. 718), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox

McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Zieman

Absent or not voting, 2:

McLaren	Veenstra
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Amendment S-3527 lost.

Senator Flynn offered amendment S-3526, filed by Senator Flynn, 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-3526 be adopted?" (H.F. 718), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Shearer
Soukup			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Zieman	

Absent or not voting, 2:

McLaren	Veenstra
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Amendment S-3526 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, until she returns, on request of Senator McKean.

## BUSINESS PENDING

**House File 718**

The Senate resumed consideration of House File 718.

Senator Dvorsky offered amendment S-3524, filed by Senator Dvorsky, et al., from the floor to page 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3524 be adopted?" (HF. 718), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Zieman		

Absent or not voting, 4:

Kramer	McLaren	Redfern	Veenstra
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Amendment S-3524 lost.

Senator Bolkcom offered amendment S-3523, filed by Senator Bolkcom, et al., from the floor to page 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3523 be adopted?" (H.F. 718), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Zieman	

Absent or not voting, 3:

Kramer	McLaren	Veenstra
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Amendment S-3523 lost.

Senator Iverson offered amendment S-3528, filed by Senators Iverson and Gronstal from the floor to pages 1, 2, and 17 of the bill, and moved its adoption.

Amendment S-3528 was adopted by a voice vote.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 718), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 718** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 466

Senator Miller called up for consideration **Senate File 466**, a bill for an act relating to child care and protection public policy provisions involving children, amended by the House, and moved that the Senate refuse to concur in House amendment S-3443, filed April 23, 2001.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment.

President Kramer took the chair at 6:21 p.m.

## UNFINISHED BUSINESS

**Senate File 478**

On motion of Senator McKean, **Senate File 478**, a bill for an act relating to the licensing and regulation of manufactured or mobile homes, providing that actions for rent recovery and for forcible entry and detention of real property may be merged, and providing coordinating amendments, placed on the Unfinished Business Calendar on April 5, 2001, was taken up for consideration.

Senator McKean offered amendment S-3239, filed by him on March 26, 2001, to page 9 of the bill, and moved its adoption.

Amendment S-3239 was adopted by a voice vote.

Senator Holveck asked and received unanimous consent to withdraw amendment S-3364, filed by Senators Holveck and McKean on April 17, 2001, to pages 14, 15, and to the title page of the bill.

Senator McKean offered amendment S-3230, filed by Senators McKean and Fiegen on March 26, 2001, to page 15 of the bill, and moved its adoption.

Amendment S-3230 was adopted by a voice vote.

Senator McKean asked and received unanimous consent that **House File 656** be substituted for **Senate File 478**.

**House File 656**

On motion of Senator McKean, **House File 656**, a bill for an act relating to the licensing and regulation of manufactured or mobile homes and providing coordinating amendments, was taken up for consideration.

Senator Maddox asked and received unanimous consent to withdraw amendment S-3370, filed by him on April 17, 2001, to pages 7-9 of the bill.

Senator Jensen offered amendment S-3338, filed by him on April 11, 2001, to pages 7 and 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3338 be adopted?" (H.F. 656), the vote was:

Ayes, 13:

Bartz	Dearden	Drake	Dvorsky
Fink	Greiner	Hammond	Harper
Holveck	Jensen	Maddox	Redfern
Soukup			

Nays, 36:

Angelo	Behn	Black	Boettger
Bolkcom	Connolly	Deluhery	Fiegen
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hansen	Horn	Iverson
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	McCoy	McKean
McKibben	McKinley	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

McLaren

Amendment S-3338 lost.

Senator Jensen offered amendment S-3337, filed by him on April 11, 2001, to pages 8 and 9 of the bill, and moved its adoption.

Amendment S-3337 lost by a voice vote.

Senator Holveck offered amendment S-3390, filed by Senators Holveck and McKean on April 18, 2001, to page 15 and to the title page of the bill, and moved its adoption.

Amendment S-3390 was adopted by a voice vote.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 656), the vote was:

Ayes, 47:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 1:

Holveck

Absent or not voting, 2:

Behn                      McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### WITHDRAWN

Senator McKean asked and received unanimous consent that **Senate File 478** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 466** and **House File 656** be **immediately messaged** to the House.

HOUSE AMENDMENT DEFERRED  
(Deferred April 17, 2001)

**Senate File 410**

The Senate resumed consideration of **Senate File 410**, a bill for an act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources, and House amendment S-3335, deferred April 17, 2001.

Senator Iverson asked and received unanimous consent that action on House amendment S-3335 and **Senate File 410** be **deferred**.

Senator Angelo took the chair at 7:10 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, for the remainder of the day, on request of Senator Kramer.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 706.

**House File 706**

On motion of Senator Black, **House File 706**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, with report of committee recommending passage, was taken up for consideration.

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. 706), the vote was:

Ayes, 47:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink

Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Ziemann	

Nays, none.

Absent or not voting, 3:

Behn	McLaren	Veenstra
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 25.

#### **Senate Concurrent Resolution 25**

On motion of Senator Miller, **Senate Concurrent Resolution 25**, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating a symbol for the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved the adoption of Senate Concurrent Resolution 25, which motion prevailed by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer, until she returns, on request of Senator Bartz.

## BUSINESS PENDING

**Senate File 410**

The Senate resumed consideration of **Senate File 410**, a bill for an act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources, and House amendment S-3335, previously deferred.

Senator Kibbie offered amendment S-3529, filed by him from the floor to page 1 of House amendment S-3335, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3529 to House amendment S-3335 be adopted?" (S.F. 410), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	McKean
Rittmer	Shearer	Soukup	

Nays, 24:

Angelo	Bartz	Boettger	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Lamberti
Maddox	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Behn	Kramer	McLaren
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Amendment S-3529 lost.

Senator Sexton moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question “Shall the Senate concur in House amendment S-3335?” (S.F. 410), the vote was:

Ayes, 25:

Angelo	Bartz	Boettger	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Schuerer	Sexton	Veenstra
Zieman			

Nays, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Rittmer	Shearer
Soukup	Tinsman		

Absent or not voting, 3:

Behn	Kramer	McLaren
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The motion prevailed and the Senate **concurred** in the House amendment.

Senator Sexton moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 410), the vote was:

Ayes, 26:

Angelo	Bartz	Boettger	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 4:

Behn	Kramer	McLaren	Redfern
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 519**, a bill for an act relating to the assessment for property tax purposes of certain affordable housing for low-income individuals and families.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 25, Senate File 410, and House File 706** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:45 p.m. until 9:00 a.m. Thursday, April 26, 2001.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-four students and six adults from the Ukraine. The group was visiting Iowa and staying in Rockwell City, Lake View, and Jefferson as part of an FFA student exchange program promoting student leadership. Senator Sexton.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Zachary Williams — For achieving the rank of Eagle Scout, Troop 102. Senator Angelo (04/25/01).

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

**Convened:** April 25, 2001, 8:02 a.m.

**Members Present:** Jensen, Chair; Lamberti, Vice Chair; Soukup, Ranking Member; Connolly and McKibben.

**Members Absent:** None.

**Committee Business:** Passed TLSB 1110ja (as amended).

**Adjourned:** 9:05 a.m.

### INTRODUCTION OF BILLS

**Senate File 536**, by committee on Ways and Means, a bill for an act relating to physical plant and equipment levy amounts collected in urban renewal areas, providing an effective date, and providing for the Act's applicability.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**Senate File 537**, by committee on Appropriations, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates.

Read first time under Rule 28 and **placed on Appropriations calendar.**

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 25, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 114 – Relating to the composition of the medical assistance advisory council.

S.F. 186 – Providing for a tax levy for the county hospital fund in certain counties and providing an effective date.

S.F. 384 – Relating to pay plans for certain employees of the credit union division of the department of commerce.

S.F. 452 – Requiring the use of a uniform prescription drug information card by providers of third-party payment or prepayment of prescription drug expenses.

S.F. 511 – Legalizing certain ordinances and amendments considered and passed by the city of Davenport in accordance with procedures no longer valid, and providing an effective date and for retroactive applicability.

### COMMITTEE REPORTS

#### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 537 (SSB 1271), a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 24: Lamberti, Kramer, Flynn, Angelo, Behn, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 1: Black.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 537, and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*HOUSE FILE 719, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3519.

**Final Vote:** Ayes, 17: Lamberti, Kramer, Angelo, Behn, Deluhery, Gaskill, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 7: Flynn, Bolkcom, Connolly, Dvorsky, Fiegen, Hammond, and Soukup. Absent or not voting, 1: Black.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on House File 719, and they were attached to the committee report.

#### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 536 (SSB 1270), a bill for an act relating to physical plant and equipment levy amounts collected in urban renewal areas, providing an effective date, and providing for the Act's applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 2: Lamberti and Maddox.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

S-3485	S.F.	535	Donald B. Redfern
S-3486	S.F.	535	Steven D. Hansen
			Robert E. Dvorsky
			John P. Kibbie
S-3487	S.F.	535	John P. Kibbie
			Robert E. Dvorsky
			Dennis H. Black

S-3488	S.F.	535	John P. Kibbie Steven D. Hansen Robert E. Dvorsky Dennis H. Black Wally E. Horn
S-3489	S.F.	535	Johnie Hammond Matt McCoy Bill Fink Robert E. Dvorsky
S-3490	S.F.	535	Tom Flynn Steven D. Hansen Bill Fink Jack Holveck Thomas Fiegen Matt McCoy Dennis H. Black Patrick J. Deluhery Mike Connolly Robert E. Dvorsky
S-3491	S.F.	535	John P. Kibbie Wally E. Horn
S-3492	S.F.	535	Jack Holveck
S-3493	S.F.	518	Sandra Greiner
S-3494	S.F.	350	House
S-3495	H.F.	687	Patrick J. Deluhery
S-3496	H.F.	687	Joe Bolkcom
S-3497	H.F.	687	Joe Bolkcom
S-3498	H.F.	687	Robert E. Dvorsky
S-3499	H.F.	687	Robert E. Dvorsky
S-3500	H.F.	687	Robert E. Dvorsky
S-3501	H.F.	687	Robert E. Dvorsky
S-3502	H.F.	687	Bill Fink
S-3503	H.F.	687	Mike Connolly
S-3504	H.F.	687	Matt McCoy
S-3505	H.F.	687	Matt McCoy
S-3506	H.F.	687	Michael E. Gronstal
S-3507	H.F.	687	Dennis H. Black
S-3508	H.F.	687	Johnie Hammond
S-3509	H.F.	687	Dennis H. Black
S-3510	H.F.	687	Patricia Harper

S-3511	H.F.	687	Steven D. Hansen
S-3512	H.F.	687	Mike Connolly
S-3513	H.F.	687	Mike Connolly
S-3514	H.F.	687	Matt McCoy
S-3515	H.F.	687	Michael E. Gronstal
S-3516	H.F.	687	Michael E. Gronstal
S-3517	H.F.	687	Bill Fink
S-3518	S.F.	524	Betty A. Soukup David Miller
S-3519	H.F.	719	Appropriations
S-3520	S.F.	350	Mike Sexton
S-3521	H.F.	718	Thomas Fiegen Betty A. Soukup Michael E. Gronstal Robert E. Dvorsky Patricia Harper Bill Fink Patrick J. Deluhery Mike Connolly
S-3522	H.F.	718	Patrick J. Deluhery Robert E. Dvorsky Patricia Harper Bill Fink Joe Bolkcom Mike Connolly Mark Shearer Wally E. Horn Matt McCoy Jack Holveck
S-3523	H.F.	718	Joe Bolkcom Jack Holveck Mark Shearer Mike Connolly Patrick J. Deluhery Wally E. Horn Matt McCoy
S-3524	H.F.	718	Robert E. Dvorsky Johnie Hammond Patricia Harper Joe Bolkcom Patrick J. Deluhery

			Mark Shearer
			Jack Holveck
			Betty A. Soukup
			Michael E. Gronstal
S-3525	H.F.	718	Mark Shearer
			Bill Fink
			Mike Connolly
			Jack Holveck
			Michael E. Gronstal
			Robert E. Dvorsky
			Johnie Hammond
			Patricia Harper
			Patrick J. Deluhery
S-3526	H.F.	718	Tom Flynn
			Patrick J. Deluhery
			Mike Connolly
			Joe Bolkcom
			Mark Shearer
			Jack Holveck
			Dennis H. Black
			Betty A. Soukup
			Michael E. Gronstal
			Robert E. Dvorsky
			Patricia Harper
			Bill Fink
S-3527	H.F.	718	Joe Bolkcom
			Robert E. Dvorsky
			Eugene S. Fraise
			Wally E. Horn
			John P. Kibbie
			Mike Connolly
			Patrick J. Deluhery
S-3528	H.F.	718	Stewart Iverson, Jr.
			Michael E. Gronstal
S-3529	S.F.	410	John P. Kibbie
S-3530	S.F.	524	Mary A. Lundby
			David Miller
			O. Gene Maddox
			JoAnn Johnson
			Steve King
			John P. Kibbie

Bill Fink  
Jeff Lamberti  
E. Thurman Gaskill  
Paul McKinley  
Nancy Boettger  
Mike Connolly  
Betty A. Soukup  
Steven D. Hansen  
Tom Flynn

# JOURNAL OF THE SENATE

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ONE-HUNDRED NINTH CALENDAR DAY  
SIXTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 26, 2001

The Senate met in regular session at 9:07 a.m., Senator Angelo presiding.

Prayer was offered by the Reverend Robert E. Connors, pastor of the Union Park Christian Church in Des Moines, Iowa, guest of Senator Dearden. He is the brother of Representative John Connors. Reverend Connors sang "Because He Lives" and "I Go To The Rock."

The Journal of Wednesday, April 25, 2001, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 725**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing for fees, and providing an effective date.

Read first time and referred to committee on **Appropriations**.

**House File 732**, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates.

Read first time and referred to committee on **Appropriations**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hammond, until she arrives, on request of Senator Bolkom.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 350

Senator Sexton called up for consideration **Senate File 350**, a bill for an act making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport, amended by the House in House amendment S-3494, filed April 25, 2001.

Senator Sexton offered amendment S-3520, filed by him on April 25, 2001, to page 3 of House amendment S-3494, and moved its adoption.

Amendment S-3520 was adopted by a voice vote.

Senator Sexton 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 Sexton 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. 350), the vote was:

Ayes, 45:

Angelo  
Boettger

Bartz  
Connolly

Behn  
Dearden

Black  
Deluhery

Drake	Fiegen	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 3:

Bolkcom	Dvorsky	Fink
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Absent or not voting, 2:

Hammond	McLaren
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### UNFINISHED BUSINESS (Deferred April 17, 2001)

#### **House File 579**

The Senate resumed consideration of **House File 579**, a bill for an act relating to the administration and management of the department of personnel, deferred April 17, 2001.

Senator King called up the motion to reconsider the vote by which amendment S-3371 to House File 579 failed to be adopted by the Senate on April 17, 2001, filed by him on April 17, 2001, and found on page 1165 of the Senate Journal.

Senator Gronstal asked and received unanimous consent that action on the motion to reconsider amendment S-3371 and **House File 579** be deferred.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Johnson asked and received unanimous consent to take up for consideration House File 711.

## House File 711

On motion of Senator Rehberg, **House File 711**, a bill for an act relating to the levy of tax assessments for drainage or levee districts, with report of committee recommending passage, was taken up for consideration.

Senator Bartz asked and received unanimous consent that action on **House File 711** be **deferred**.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 715.

## House File 715

On motion of Senator Redwine, **House File 715**, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, sales and use, franchise, hotel and motel, environmental protection charge on petroleum diminution, property, cigarette and tobacco products, and inheritance taxes, local option taxes, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 715), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox

McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Hammond	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.

## BUSINESS PENDING

### House File 711

The Senate resumed consideration of **House File 711**, a bill for an act relating to the levy of tax assessments for drainage or levee districts, previously deferred.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 711), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Hammond	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.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 350** and **House Files 711** and **715** be **immediately messaged** to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 203**, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date. (S-3535)

### RECESS

On motion of Senator Iverson, the Senate recessed at 10:38 a.m. until 1:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:08 p.m., Senator Veenstra presiding.

### QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 33 present, 17 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 185**, a bill for an act relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty.

ALSO: That the House has on April 26, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 561**, a bill for an act repealing the requirement to fly a flag or pennant on an all-terrain vehicle or snowmobile when operating on a public road or street.

**House File 680**, a bill for an act relating to child and dependent abuse reporting and civil remedies pertaining to such reporting.

ALSO: That the House has on April 26, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 722**, a bill for an act relating to tonnage fees and moneys in the solid waste account of the groundwater protection fund, and providing an effective date.

Read first time and referred to committee on **Ways and Means**.

**House File 731**, a bill for an act regarding certain changes relating to the utility replacement tax, and providing for the Act's applicability.

Read first time and referred to committee on **Ways and Means**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Dearden.

## UNFINISHED BUSINESS (Deferred April 17, 2001)

### **Senate File 524**

The Senate resumed consideration of **Senate File 524**, a bill for an act providing assistance regarding the development of grapes and wine, deferred April 17, 2001.

Senator Kibbie asked and received unanimous consent to withdraw amendment S-3470, filed by Senator Kibbie, et al., on April 24, 2001, to pages 1, 5, and to the title page of the bill.

Senator Soukup offered amendment S-3518, filed by Senators Soukup and Miller on April 25, 2001, to pages 1, 5, and to the title page of the bill.

Senator Soukup asked and received unanimous consent that action on amendment S-3518 be deferred.

Senator Lundby offered amendment S-3530, filed by Senator Lundby, et al., on April 25, 2001, to pages 1, 5, and to the title page of the bill, and moved its adoption.

Amendment S-3530 was adopted by a voice vote.

With the adoption of amendment S-3530, the Chair ruled amendment S-3518, previously deferred, out of order.

Senator Gaskill offered amendment S-3536, filed by him from the floor to pages 2 and 4 of the bill, and moved its adoption.

Amendment S-3536 was adopted by a voice vote.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 524), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McCoy                      McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boettger, until she returns, on request of Senator Lundby.

### UNFINISHED BUSINESS

#### Senate File 516

On motion of Senator McKibben, **Senate File 516**, a bill for an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including a retroactive applicability date provision, placed on the Unfinished Business Calendar on April 5, 2001, was taken up for consideration.

Senator McKibben offered amendment S-3440, filed by him on April 23, 2001, to page 1 and to the title page of the bill.

Senator Fiegen offered amendment S-3540, filed by him from the floor to page 1 of amendment S-3440, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3540 to amendment S-3440 be adopted?" (S.F. 516), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 28:

Angelo	Bartz	Behn	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Present, 1:

Flynn

Absent or not voting, 2:

Boettger                      McLaren

Amendment S-3540 lost.

Senator McKibben moved the adoption of amendment S-3440, which motion prevailed by a voice vote.

President Kramer took the chair at 2:35 p.m.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 516), the vote was:

Ayes, 32:

Angelo	Bartz	Behn	Black
Boettger	Drake	Freeman	Gaskill
Greiner	Hansen	Horn	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 16:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Harper	Holveck
Kibbie	McCoy	Shearer	Soukup

Present, 1:

Flynn

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 516** and **524** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### Senate File 518

On motion of Senator Greiner, **Senate File 518**, a bill for an act providing for taxes relating to the sale of ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability, placed on the Unfinished Business Calendar on April 5, 2001, was taken up for consideration.

Senator Greiner offered amendment S-3493, filed by her on April 25, 2001, striking everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S-3493 was adopted by a voice vote.

Senator Greiner asked and received unanimous consent that **House File 716** be **substituted** for **Senate File 518**.

### House File 716

On motion of Senator Greiner, **House File 716**, a bill for an act providing for taxes relating to the sale of ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability, was taken up for consideration.

Senator Dearden offered amendment S-3545, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S-3545 lost by a voice vote.

Senator Greiner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 716), the vote was:

Ayes, 38:

Angelo	Bartz	Behn	Black
Boettger	Drake	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 10:

Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Hammond	Hansen	Harper
Holveck	McCoy		

Present, 1:

Lamberti

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.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 733**, a bill for an act relating to the Iowa individual health benefit reinsurance association and the Iowa comprehensive health insurance association, by changing the board of directors, membership, and assessment related to the associations, and making changes related to adjustments in the coverage of basic and standard health benefit plans.

Read first time and referred to committee on **Ways and Means**.

### RECESS

On motion of Senator McKean, the Senate recessed at 4:05 p.m. until the completion of a meeting of the committee on Ways and Means.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 26, 2001

#### CITIZENS' AIDE/OMBUDSMAN

2000 Annual Report of the Citizens' Aide/Ombudsman.

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twelve high school students from Gilbert High School, Gilbert, Iowa, accompanied by Karlene Wonderlich. The students are members of the Family Career and Community Leaders of America. Senator McKibben.

### PETITIONS

The following petitions were presented and placed on file:

From 34 residents of Decatur County opposing the reduction of funds for services provided by the Iowa Department of Public Health state grants. Senator Angelo.

From 361 residents of Floyd County opposing cuts to the public transit funding. Senator Soukup.

### INTRODUCTION OF RESOLUTIONS

**Senate Resolution 44**, by Hansen, King, Redwine, Kibbie, and Veenstra, a Senate resolution recognizing Don "Skip" Meisner upon his retirement.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 45**, by Kramer, Lundby, Maddox, Tinsman, Iverson, Holveck, Dearden, Bolkcom, Harper, Fiegen, Dvorsky, Deluhery, Horn, Fink, Hammond, and Shearer, a Senate resolution designating June 16, 2001, as Juneteenth National Freedom Day.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 722**

WAYS AND MEANS: Drake, Chair; Deluhery and Maddox

#### **House File 725**

APPROPRIATIONS: Gaskill, Chair; Black and Lamberti

#### **House File 731**

WAYS AND MEANS: McKinley, Chair; Flynn and Maddox

#### **House File 732**

APPROPRIATIONS: Veenstra, Chair; Hammond and Lamberti

#### **House File 733**

WAYS AND MEANS: Redwine, Chair; Holveck and Lamberti

### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of April, 2001:

Senate Files 84, 184, 242, 265, and 313.

MICHAEL E. MARSHALL  
Secretary of the Senate

## EVENING SESSION

The Senate reconvened at 6:02 p.m., President Pro Tempore McKean presiding.

## QUORUM CALL

Senator Angelo requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 33 present, 17 absent, and a quorum present.

Senator Angelo took the chair at 6:12 p.m.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rehberg, until she returns, on request of Senator Drake.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 705.

**House File 705**

On motion of Senator Connolly, **House File 705**, a bill for an act relating to sales and use taxes on the delivery of electricity and natural gas and to the rate of tax for providing metered gas, electricity, and fuel to provide energy for residential customers, with report of committee recommending passage, was taken up for consideration.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 705), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

McLaren                      Rehberg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### MOTION TO RECONSIDER WITHDRAWN

#### Senate File 530

Senator McKean withdrew the motion to reconsider **Senate File 530**, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date, filed by him on April 24, 2001, and found on page 1290 of the Senate Journal.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 530** and **House File 705** be **immediately messaged** to the House.

The Senate stood at ease at 6:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:18 p.m., President Kramer presiding.

President Pro Tempore McKean took the chair at 7:19 p.m.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 537.

**Senate File 537**

On motion of Senator Kramer, **Senate File 537**, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates, was taken up for consideration.

Senator Angelo took the chair at 7:25 p.m.

Senator Kramer offered amendment S-3544, filed by Senators Kramer and Hammond from the floor to pages 1, 3, and 11 of the bill, and moved its adoption.

Amendment S-3544 was adopted by a voice vote.

Senator Lundby offered amendment S-3539, filed by Senators Lundby and Kramer from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-3539 was adopted by a voice vote.

Senator Hansen offered amendment S-3538, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment S-3538 lost by a voice vote.

Senator Hansen offered amendment S-3547, filed by him from the floor to pages 7 and 9-11 of the bill.

President Pro Tempore McKean took the chair at 8:00 p.m.

Senator Hansen withdrew amendment S-3547.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake, until he returns, on request of Senator Iverson.

## BUSINESS PENDING

**Senate File 537**

The Senate resumed consideration of Senate File 537.

Senator Kramer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 537), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Drake	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.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 521.

**Senate File 521**

On motion of Senator McKibben, **Senate File 521**, a bill for an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision, was taken up for consideration.

President Kramer took the chair at 8:20 p.m.

Senator McKibben offered amendment S-3537, filed by him from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-3537 was adopted by a voice vote.

Senator McKibben offered amendment S-3442, filed by him on April 23, 2001, to page 5 of the bill.

Senator McKibben withdrew amendment S-3442.

With the withdrawal of amendment S-3442, the Chair ruled amendment S-3541, filed by Senator Fiegen from the floor to page 1 of amendment S-3442, out of order.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 521), the vote was:

Ayes, 28:

Angelo	Behn	Boettger	Freeman
Gaskill	Greiner	Hansen	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 20:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 2:

Drake	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.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 536.

#### **Senate File 536**

On motion of Senator Connolly, **Senate File 536**, a bill for an act relating to physical plant and equipment levy amounts collected in urban renewal areas, providing an effective date, and providing for the Act's applicability, was taken up for consideration.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 536), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Drake                      McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Sexton called up the appointment of Jeffrey R. Vonk, as Director of the Department of Natural Resources, placed on the Individual Confirmation Calendar on March 22, 2001, and deferred by Senate Resolution 38 on April 12, 2001.

Senator Sexton moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Redfern	Redwine

Rehberg  
Shearer  
Zieman

Rittmer  
Soukup

Schuerer  
Tinsman

Sexton  
Veenstra

Nays, 3:

Behn

Iverson

Miller

Absent or not voting, 2:

Drake

McLaren

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

The Senate stood at ease at 8:45 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 8:52 p.m., President Kramer presiding.

## HOUSE AMENDMENT CONSIDERED

### Senate File 203

Senator Boettger called up for consideration **Senate File 203**, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date, amended by the House in House amendment S-3535, filed April 26, 2001.

Senator Boettger offered amendment S-3546, filed by her from the floor to pages 1-9 of House amendment S-3535.

Senator Deluhery offered amendment S-3549, filed by Senators Deluhery, Hammond, and Dvorsky from the floor to page 1 of amendment S-3546 to House amendment S-3535, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3549 to amendment S-3546 to House amendment S-3535 be adopted?" (S.F. 203), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup	Tinsman		

Nays, 26:

Angelo	Bartz	Behn	Boettger
Freeman	Gaskill	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Veenstra	Zieman		

Absent or not voting, 2:

Drake	McLaren
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Amendment S-3549 lost.

Senator Boettger moved the adoption of amendment S-3546 to House amendment S-3535.

A record roll call was requested.

On the question "Shall amendment S-3546 to House amendment S-3535 be adopted?" (S.F. 203), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Drake                      McLaren

Amendment S-3546 was adopted.

Senator Boettger moved that the Senate concur in the House amendment, as amended.

A record roll call was requested.

On the question "Shall the Senate concur in House amendment S-3535?" (S.F. 203), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Drake                      McLaren

The motion prevailed and the Senate **concurred** in the House amendment, as amended.

Senator Boettger moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 203), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Drake                      McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 203, 521, 536, and 537** be **immediately messaged** to the House.

#### BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 733** be referred from the Ways and Means Calendar to the committee on **Commerce**.

#### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 392**, a bill for an act relating to appeals filed in juvenile court proceedings.

### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:12 p.m. until 9:00 a.m. Friday, April 27, 2001.

## APPENDIX

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 26, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 62 – Relating to the processing and distribution of honey in residences.

S.F. 168 – Relating to the granting of additional cable television franchises by a city.

S.F. 169 – Limiting the exemption from regulation of certain persons acting as an attorney in fact regarding certain real estate transactions.

S.F. 259 – Relating to the victim rights compensation fund.

S.F. 337 – Relating to transfers of structured settlement payment rights for tort and workers' compensation claims, providing civil remedies, and an applicability date.

### MOTIONS TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which House File 716 passed the Senate on April 26, 2001.

SANDRA GREINER

MADAM PRESIDENT: I move to reconsider the vote by which House File 716 passed the Senate on April 26, 2001.

MICHAEL E. GRONSTAL

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 27**, by Connolly, a concurrent resolution urging Iowa's congressional delegation to support a federal appropriation to implement the Teaching America's History program.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

### INTRODUCTION OF BILL

**Senate File 538**, by committee on Ways and Means, a bill for an act providing an Iowa individual income tax checkoff for deposit in

the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS

**Convened:** April 26, 2001, 9:15 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** Lundby (excused).

**Committee Business:** Passed HF's 725 and 726 (as amended).

**Adjourned:** 10:10 p.m.

### WAYS AND MEANS

**Convened:** April 26, 2001, 4:10 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** None.

**Committee Business:** Approved SSB 1256. Passed HF's 712, 722, 731, and 733.

**Adjourned:** 5:17 p.m.

## COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 725, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing for fees, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 10:

Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, 1: Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 726, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3550.

**Final Vote:** Ayes, 14: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann. Nays, 10: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, Horn, and Soukup. Absent or not voting, 1: Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 538 (SSB 1256), a bill for an act providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Redwine, and Rehberg. Nays, 1: Miller. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 712, a bill for an act relating to the annual filing for the family farm tax credit, to the notification to the assessor of the change in ownership or the person actively engaged in farming the tract of agricultural land for which the family farm tax credit is allowed, providing a penalty, and including effective and applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, 1: Deluhery. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 722, a bill for an act relating to tonnage fees and moneys in the solid waste account of the groundwater protection fund, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 731, a bill for an act regarding certain changes relating to the utility replacement tax, and providing for the Act's applicability.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 733, a bill for an act relating to the Iowa individual health benefit reinsurance association and the Iowa comprehensive health insurance association, by changing the board of directors, membership, and assessment related to the associations, and making changes related to adjustments in the coverage of basic and standard health benefit plans.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S-3531	H.F. 719	Mary A. Lundby
S-3532	H.F. 719	Robert E. Dvorsky
S-3533	H.F. 719	Robert E. Dvorsky
S-3534	S.F. 458	Merlin E. Bartz
S-3535	S.F. 203	House

S-3536	S.F.	524	E. Thurman Gaskill
S-3537	S.F.	521	Larry McKibben
S-3538	S.F.	537	Steven D. Hansen
S-3539	S.F.	537	Mary A. Lundby Mary E. Kramer
S-3540	S.F.	516	Thomas Fiegen
S-3541	S.F.	521	Thomas Fiegen
S-3542	H.F.	719	Patricia Harper Johnie Hammond
S-3543	H.F.	719	Johnie Hammond Patricia Harper
S-3544	S.F.	537	Mary E. Kramer Johnie Hammond
S-3545	H.F.	716	Dick L. Dearden
S-3546	S.F.	203	Nancy Boettger
S-3547	S.F.	537	Steven D. Hansen
S-3548	H.F.	692	Andy McKean John P. Kibbie
S-3549	S.F.	203	Patrick J. Deluhery Johnie Hammond Robert E. Dvorsky
S-3550	H.F.	726	Appropriations

# JOURNAL OF THE SENATE

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ONE-HUNDRED TENTH CALENDAR DAY  
SIXTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, April 27, 2001

The Senate met in regular session at 9:03 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Honorable Merlin E. Bartz, member of the Senate from Worth County, Grafton, Iowa.

The Journal of Thursday, April 26, 2001, was approved.

Senator Dearden requested a 55-second moment of silence in recognition of the 55 workers who died on the job this year.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 727**, a bill for an act relating to county mental health, mental retardation, and developmental disabilities services provisions involving capital expenditures and the funding pools in the property tax relief fund for such services expenditures and providing effective and retroactive applicability dates.

Read first time and referred to committee on **Ways and Means**.

**BILLS RE-REFERRED TO COMMITTEE**

Senator Boettger asked and received unanimous consent that **House Files 725** and **726** be re-referred from the Appropriations Calendar to the committee on **Ways and Means**.

**RECESS**

On motion of Senator Boettger, the Senate recessed at 9:10 a.m. until the completion of a meeting of the committee on Ways and Means.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** April 27, 2001, 9:15 a.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Flynn, Freeman, Gronstal, Hansen, Jensen, Maddox, Redfern, and Redwine.

**Members Absent:** Bolkcom, King, Lundby, and McCoy (all excused).

**Committee Business:** Passed HF 733.

**Adjourned:** 9:20 a.m.

#### WAYS AND MEANS

**Convened:** April 27, 2001, 11:25 a.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** None.

**Committee Business:** Passed HFs 713 (as amended), 725, and 726.

**Adjourned:** 12:10 p.m.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 725

WAYS AND MEANS: Lamberti, Chair; Harper and Rehberg

#### House File 726

WAYS AND MEANS: Lamberti, Chair; Flynn and McKibben

#### House File 727

WAYS AND MEANS: Greiner, Chair; Bolkcom and Drake

#### House File 733

COMMERCE: Redwine, Chair; Johnson and McCoy

## COMMITTEE REPORTS

## COMMERCE

**Final Bill Action:** HOUSE FILE 733, a bill for an act relating to the Iowa individual health benefit reinsurance association and the Iowa comprehensive health insurance association, by changing the board of directors, membership, and assessment related to the associations, and making changes related to adjustments in the coverage of basic and standard health benefit plans.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Johnson, Schuerer, Deluhery, Flynn, Freeman, Gronstal, Hansen, Jensen, Maddox, Redfern, and Redwine. Nays, none. Absent or not voting, 4: Bolkcom, King, Lundby, and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 725, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing for fees, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 726, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: McKibben, McKinley, Connolly, Drake, Flynn, Greiner, Lamberti, Redwine, and Rehberg. Nays, 6: Harper, Bolkcom, Deluhery, Holveck, Maddox, and Miller. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AFTERNOON SESSION

The Senate reconvened at 12:12 p.m., President Kramer presiding.

## QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 26 present, 24 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 526**, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law. (S-3558)

ALSO: That the House has on April 27, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 532**, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date. (S-3568)

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Bartz asked and received unanimous consent to take up for consideration House File 725.

**House File 725**

On motion of Senator Gaskill, **House File 725**, a bill for an act relating to and making appropriations involving state government,

including provisions affecting agriculture and natural resources, providing for fees, and providing an effective date, with reports of committees on Appropriations and Ways and Means recommending passage, was taken up for consideration.

Senator Hammond offered amendment S-3559, filed by her from the floor to pages 2 and 8 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3559 be adopted?" (H.F. 725), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Deluhery
Fiegen	Flynn	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Lundby	McCoy	McKean	Shearer
Soukup			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Maddox	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 6:

Dearden	Dvorsky	Fink	Fraise
Kibbie	McLaren		

Amendment S-3559 lost.

Senator Fink offered amendment S-3555, filed by Senators Fink and Hammond from the floor to pages 2 and 4 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S-3555 be deferred.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Shearer, until he returns, on request of Senator Gronstal; and Senators Dvorsky and Kibbie, until they arrive, on request of Senator Fiegen.

## BUSINESS PENDING

**House File 725**

The Senate resumed consideration of House File 725.

Senator Black offered amendment S-3556, 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-3556 be adopted?" (H.F. 725), the vote was:

Ayes, 15:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fiegen	Flynn	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	McCoy	Soukup	

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 6:

Dvorsky	Fink	Fraise	Kibbie
McLaren	Shearer		

Amendment S-3556 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox, until he returns, on request of Senator Bartz.

## BUSINESS PENDING

**House File 725**

The Senate resumed consideration of House File 725.

Senator Bolkcom offered amendment S-3551, filed by him from the floor to page 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3551 be adopted?" (H.F. 725), the vote was:

Ayes, 16:

Black	Bolkcom	Connolly	Dearden
Deluhery	Fiegen	Flynn	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 6:

Dvorsky	Fink	Fraise	Kibbie
Maddox	McLaren		

Amendment S-3551 lost.

Senator Rehberg offered amendment S-3557, filed by her from the floor to page 8 of the bill, and moved its adoption.

Amendment S-3557 lost by a voice vote.

The Senate resumed consideration of amendment S-3555, previously deferred.

President Pro Tempore McKean took the chair at 1:08 p.m.

Senator Fink moved the adoption of amendment S-3555.

A record roll call was requested.

On the question "Shall amendment S-3555 be adopted?" (H.F. 725), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Jensen	Kibbie	McCoy	Miller
Shearer	Soukup		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 1:

McLaren

Amendment S-3555 lost.

Senator Fink asked and received unanimous consent that action on **House File 725** be **deferred**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator Iverson.

## HOUSE AMENDMENT CONSIDERED

**Senate File 526**

Senator McKibben called up for consideration **Senate File 526**, a bill for an act excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law, amended by the House, and moved that the Senate concur in House amendment S-3558, filed April 27, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McKibben moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 526), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Horn	Iverson	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Tinsman	Veenstra	Zieman

Nays, 4:

Fiegen	Harper	Holveck	Soukup
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Absent or not voting, 2:

Jensen

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### MOTIONS TO RECONSIDER WITHDRAWN

#### **House File 716**

Senators Gronstal and Greiner withdrew their motions to reconsider House File 716, a bill for an act providing for taxes relating to the sale of ethanol blended gasoline, making penalties applicable, and providing for the Act's applicability, filed by them on April 26, 2001, and found on page 1361 of the Senate Journal.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 526** and **House File 716** be **immediately messaged** to the House.

President Kramer took the chair at 1:28 p.m.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rittmer, until he returns, on request of Senator Jensen; and Senator Soukup, until she returns, on request of Senator Harper.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 458**

Senator Bartz called up for consideration **Senate File 458**, a bill for an act relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, and

termination of parental rights, amended by the House in House amendment S-3377, filed April 17, 2001.

Senator Bartz offered amendment S-3534, filed by him on April 26, 2001, to pages 2 and 3 of House amendment S-3377, and moved its adoption.

Amendment S-3534 was adopted by a voice vote.

Senator Bartz 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 Bartz 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. 458), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Schuerer	Sexton	Shearer
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

McLaren	Rittmer	Soukup
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 533**, a bill for an act relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date.

ALSO: That the House has on April 27, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 502**, a bill for an act relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability.

**House File 564**, a bill for an act providing for the reversion of dividends and distributions by certain cooperative associations.

**House File 656**, a bill for an act relating to the licensing and regulation of manufactured or mobile homes and providing coordinating amendments.

ALSO: That the House has on April 27, 2001, **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 203**, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date.

ALSO: That the House has on April 27, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 499**, a bill for an act making changes to and reorganizing scheduled fines. (S-3571)

ALSO: That the House has on April 27, 2001, **insisted** on its amendment to **Senate File 466**, a bill for an act relating to child care and protection public policy provisions involving children, and the members of the conference committee on the part of the House are: the representative from Cerro Gordo, Representative Broers, Chair; the representative from Cedar, Representative Boddicker; the representative from Webster, Representative Cormack; the representative from Dubuque, Representative Murphy; and the representative from Marshall, Representative Smith.

## BUSINESS PENDING

### House File 725

The Senate resumed consideration of **House File 725**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing for fees, and providing an effective date, previously deferred.

Senator Fink offered amendment S-3572, filed by him from the floor to pages 4 and 14 of the bill.

Senator Gaskill raised the point of order that amendment S-3572 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3572 out of order.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 725), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 2001, **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 350**, a bill for an act making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport.

### WITHDRAWN

Senator Greiner asked and received unanimous consent that **Senate File 518** be **withdrawn** from further consideration of the Senate.

### SENATE INSISTS

### Senate File 203

Senator Boettger called up for consideration **Senate File 203**, a bill for an act extending the regular program district cost guarantee

for school districts, 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 and the Senate **insisted** on its amendment.

#### APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **Senate File 203** on the part of the Senate: Senators Boettger, Chair; Angelo, Connolly, Kibbie, and Redwine.

The Chair announced the following conference committee on **Senate File 466** on the part of the Senate: Senators Miller, Chair; Hammond, King, Shearer, and Tinsman.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 203** and **458** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:35 p.m. until 10:00 a.m. Monday, April 30, 2001.

## APPENDIX

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

William and Carolyn Frederick, Huxley — For celebrating your 50th wedding anniversary on May 6, 2001. Senator Hammond (04/27/01).

### ANNOUNCEMENT OF APPOINTMENT BY THE SENATE MINORITY LEADER

Senator Dvorsky is reappointed to the Criminal and Juvenile Justice Advisory Council.

### CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 346)

A conference committee report, signed by the following Senate and House members, was filed April 27, 2001, on Senate File 346, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries:

On the part of the Senate:

ANDY McKEAN, Chair  
JEFF ANGELO  
STEVE KING

On the part of the House:

CLEL BAUDLER, Chair  
GEORGE EICHHORN  
KEITH KREIMAN  
CHUCK LARSON  
MARK TREMMEL

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** April 27, 2001, 2:41 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Bolcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond,

Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** Black and Horn (both excused).

**Committee Business:** Passed HF 732.

**Adjourned:** 2:45 p.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 28**, by Boettger, a concurrent resolution reminding Iowa's congressional delegation to fund the federal financial commitment to states, localities, and children with disabilities under the federal Individuals With Disabilities Education Act.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Concurrent Resolution 29**, by Jensen, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating the Iowa State Capitol as a symbol for the state of Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## INTRODUCTION OF BILL

**Senate File 539**, by Iverson, a bill for an act relating to certain grain crops originating from agricultural seeds that have been genetically modified using biotechnological techniques, providing for liability, and providing for penalties.

Read first time under Rule 28 and referred to committee on **Agriculture**.

## SUBCOMMITTEE ASSIGNMENT

## Senate File 539

AGRICULTURE: Bartz, Chair; Fraise, Gaskill, Kibbie, and McLaren

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 732, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Ziemann. Nays, 8: Flynn, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Hammond, and Soukup. Absent or not voting, 2: Black and Horn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 713, a bill for an act relating to the administration of county government by providing for the issuance of certain lease or lease-purchase contracts, the recording of certain property transfers, the striking of a requirement to record returns of marriage with real estate recordings, the imposition of a real estate installment contract fee, and changing the date for reporting and paying agricultural land tax credits and family farm tax credits.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3570.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## MOTION TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which House File 725 passed the Senate on April 27, 2001.

JEFF LAMBERTI

## AMENDMENTS FILED

S-3551	H.F.	725	Joe Bolkcom
S-3552	H.F.	726	Joe Bolkcom
S-3553	H.F.	726	Joe Bolkcom
S-3554	H.F.	726	Joe Bolkcom
S-3555	H.F.	725	Bill Fink Johnie Hammond
S-3556	H.F.	725	Dennis H. Black
S-3557	H.F.	725	Kitty Rehberg
S-3558	S.F.	526	House
S-3559	H.F.	725	Johnie Hammond
S-3560	H.F.	726	Betty A. Soukup Dennis H. Black Jack Holveck Matt McCoy Mark Shearer Joe Bolkcom Bill Fink Robert E. Dvorsky Patrick J. Deluhery Mike Connolly Patricia Harper Michael E. Gronstal
S-3561	H.F.	726	Robert E. Dvorsky Patrick J. Deluhery Michael E. Gronstal Betty A. Soukup Dennis H. Black Jack Holveck Matt McCoy Mark Shearer Thomas Fiegen Mike Connolly Joe Bolkcom Bill Fink Patricia Harper
S-3562	H.F.	726	Jack Holveck Patricia Harper Robert E. Dvorsky
S-3563	H.F.	719	Joe Bolkcom

S-3564	H.F.	726	Maggie Tinsman JoAnn Johnson Jeff Lamberti
S-3565	H.F.	726	Steven D. Hansen Patrick J. Deluhery
S-3566	H.F.	726	Tom Flynn Patrick J. Deluhery
S-3567	H.F.	719	Steve King Mary A. Lundby Robert E. Dvorsky
S-3568	S.F.	532	House
S-3569	H.F.	726	Johnie Hammond
S-3570	H.F.	713	Ways and Means
S-3571	S.F.	499	House
S-3572	H.F.	725	Bill Fink

*State of Iowa*

**JOURNAL  
OF THE SENATE**

**2001**

**REGULAR SESSION  
SEVENTY-NINTH  
GENERAL ASSEMBLY**

**Convened January 8, 2001  
Adjourned May 8, 2001**

**Volume II  
April 30—General Index  
Including  
2001 Extraordinary Session**

**MARY E. KRAMER, President of the Senate  
BRENT SIEGRIST, Speaker of the House**

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# JOURNAL OF THE SENATE

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ONE-HUNDRED THIRTEENTH CALENDAR DAY  
SIXTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 30, 2001

The Senate met in regular session at 10:03 a.m., President Kramer presiding.

Prayer was offered by the Honorable Steve King, member of the Senate from Sac County, Kiron, Iowa.

The Journal of Friday, April 27, 2001, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Freeman and Lundby, until they arrive, on request of Senator McKean; Senator Gaskill, until he arrives, on request of Senator Sexton; Senator McLaren, until he arrives, on request of Senator Jensen; Senators Dvorsky and Flynn, until they arrive, on request of Senator Fink; Senator Behn, until he arrives, on request of Senator Rehberg; Senator Connolly, until he arrives, on request of Senator Deluhery; and Senator Shearer, until he arrives, on request of Senator Soukup.

## HOUSE AMENDMENT CONSIDERED

### Senate Joint Resolution 3

Senator McKean called up for consideration **Senate Joint Resolution 3**, a joint resolution authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-3425, filed April 23, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McKean moved that the resolution, 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 resolution was read the last time.

On the question "Shall the resolution be adopted?" (S.J.R. 3), the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Dearden	Deluhery
Drake	Fiegen	Fink	Fraise
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Maddox	McCoy
McKean	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 10:

Connolly	Dvorsky	Flynn	Freeman
Gaskill	Lundby	McKibben	McLaren
Miller	Shearer		

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title, as amended, was agreed to.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 726.

#### **House File 726**

On motion of Senator Tinsman, **House File 726**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's office of drug control policy, and the

commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date, with report of committee on Appropriations recommending amendment and passage and with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Tinsman offered amendment S-3550, filed by the committee on Appropriations on April 26, 2001, to pages 12-14 of the bill.

Senator Flynn offered amendment S-3566, filed by Senators Flynn and Deluhery on April 27, 2001, to page 1 of amendment S-3550, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3566 to amendment S-3550 be adopted?" (H.F. 726), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Gaskill	Lundby	Miller
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Amendment S-3566 lost.

Senator Tinsman moved the adoption of amendment S-3550, which motion prevailed by a voice vote.

Senator Bolcom offered amendment S-3553, filed by him on April 27, 2001, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3553 be adopted?" (H.F. 726), the vote was:

Ayes, 20:

Black	Bolcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Gaskill	Lundby
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Amendment S-3553 lost.

Senator Soukup offered amendment S-3560, filed by Senator Soukup, et al., on April 27, 2001, to page 2 of the bill, and moved its adoption.

Amendment S-3560 lost by a voice vote.

Senator Bolcom offered amendment S-3552, filed by him on April 27, 2001, to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3552 be adopted?" (H.F. 726), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Gaskill	Lundby
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Amendment S-3552 lost.

Senator Holveck offered amendment S-3562, filed by Senators Holveck, Harper, and Dvorsky on April 27, 2001, to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3562 be adopted?" (H.F. 726), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern

Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Gaskill	Lundby
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Amendment S-3562 lost.

Senator Hammond offered amendment S-3569, filed by her on April 27, 2001, to page 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3569 be adopted?" (H.F. 726), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Gaskill	Lundby
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Amendment S-3569 lost.

Senator Bolkcom offered amendment S-3554, filed by him on April 27, 2001, to page 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3554 be adopted?” (H.F. 726), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Gaskill	Lundby
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Amendment S-3554 lost.

Senator Hansen offered amendment S-3565, filed by Senators Hansen and Deluhery on April 27, 2001, to page 12 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3565 be adopted?” (H.F. 726), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Iverson
Jensen	Johnson	King	Kramer

Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Gaskill	Lundby
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Amendment S–3565 lost.

President Pro Tempore McKean took the chair at 11:36 a.m.

Senator Tinsman offered amendment S–3564, filed by Senators Tinsman, Johnson, and Lamberti on April 27, 2001, to page 12 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3564 be adopted?” (H.F. 726), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Hammond
Harper	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Maddox
McKean	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hansen
Holveck	Horn	Kibbie	McCoy
McKibben	Shearer	Soukup	

Absent or not voting, 2:

Gaskill	Lundby
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Amendment S–3564 was adopted.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Iverson and Kramer, until they return, on request of Senator Angelo.

## BUSINESS PENDING

**House File 726**

The Senate resumed consideration of House File 726.

Senator Dvorsky offered amendment S-3561, filed by Senator Dvorsky, et al., on April 27, 2001, to pages 14, 15, and 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3561 be adopted?" (H.F. 726), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Jensen
Johnson	King	Lamberti	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Gaskill	Iverson	Kramer	Lundby
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Amendment S-3561 lost.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 726), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 2:

Gaskill	Lundby
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Angelo asked and received unanimous consent that **Senate Joint Resolution 3** and **House File 726** be **immediately messaged** to the House.

### RECESS

On motion of Senator Angelo, the Senate recessed at 12:00 p.m. until 1:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., President Pro Tempore McKean presiding.

## QUORUM CALL

Senator Bartz requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent, and a quorum present.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Bartz asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 18.

### **Senate Concurrent Resolution 18**

On motion of Senator Connolly, **Senate Concurrent Resolution 18**, a concurrent resolution honoring Brigadier General John A. Tymeson upon the occasion of his retirement, with report of committee recommending passage, was taken up for consideration.

Senator Connolly moved the adoption of Senate Concurrent Resolution 18, which motion prevailed by a voice vote.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rittmer, until he returns, on request of Senator Greiner; Senator Dearden, until he returns, on request of Senator Holveck; Senator Black, until he returns, on request of Senator Soukup; and Senators Iverson and Kramer, until they return, on request of Senator Boettger.

## CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration House File 733.

### **House File 733**

On motion of Senator Redwine, **House File 733**, a bill for an act relating to the Iowa individual health benefit reinsurance association

and the Iowa comprehensive health insurance association, by changing the board of directors, membership, and assessment related to the associations, and making changes related to adjustments in the coverage of basic and standard health benefit plans, was taken up for consideration, with reports of committees on Ways and Means and Commerce recommending passage, was taken up for consideration.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 733), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Boettger
Bolkcom	Connolly	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Jensen	Johnson	Kibbie
King	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Black	Dearden	Gaskill	Iverson
Kramer	Rittmer		

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 470

Senator Greiner called up for consideration **Senate File 470**, a bill for an act relating to the regulation of infectious and contagious diseases in animals, and providing for penalties, amended by the House, and moved that the Senate concur in House amendment S-3438, filed April 23, 2001.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED

**House File 590**

Senator Boettger called up for consideration **House File 590**, a bill for an act relating to the testing of individuals and the release of the results of tests for communicable and infectious diseases and for the human immunodeficiency virus and making penalties applicable, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-3456 to Senate amendment H-1574, filed April 24, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Boettger 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. 590), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hansen	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 4:

Dvorsky

Hammond

Harper

Holveck

Absent or not voting, 1:

Gaskill

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 1:43 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 2:26 p.m., President Pro Tempore McKean presiding.

UNFINISHED BUSINESS  
(Deferred April 10, 2001)

**House File 635**

The Senate resumed consideration of **House File 635**, a bill for an act providing that certain employees are not entitled to compensation for time spent traveling to and from the worksite, deferred April 10, 2001.

Senator Dearden asked and received unanimous consent that action on **House File 635** be **deferred**.

UNFINISHED BUSINESS  
(Deferred April 26, 2001)

**House File 579**

The Senate resumed consideration of **House File 579**, a bill for an act relating to the administration and management of the department of personnel, and the motion to reconsider amendment S-3371, deferred April 26, 2001.

Senator King moved the adoption of the motion to reconsider amendment S-3371.

The motion prevailed by a voice vote and amendment S-3371, by Senator King to page 1 and to the title page of the bill, was taken up for reconsideration.

Senator King moved the adoption of amendment S-3371.

A record roll call was requested.

On the question "Shall amendment S-3371 be adopted?" (H.F. 579), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, none.

Amendment S-3371 was adopted.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 579), the vote was:

Ayes, 35:

Angelo	Bartz	Behn	Boettger
Dearden	Drake	Flynn	Freeman
Gaskill	Greiner	Gronstal	Hansen
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby

Maddox	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 15:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Fraise
Hammond	Harper	Holveck	Horn
McCoy	Shearer	Soukup	

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 18, Senate File 470, and House Files 579, 590, and 733** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS

##### **Senate File 476**

On motion of Senator Kramer, **Senate File 476**, a bill for an act relating to the establishment of a student achievement and teacher quality program, placed on the Unfinished Business Calendar on April 5, 2001, was taken up for consideration.

The Senate stood at ease at 3:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:27 p.m., President Kramer presiding.

Senator Angelo asked and received unanimous consent that action on **Senate File 476** be **deferred**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Jensen, until he returns, on request of Senator Rittmer; and Senators Dvorsky and McCoy, until they return, on request of Senator Hammond.

## UNFINISHED BUSINESS

**House File 692**

On motion of Senator McKean, **House File 692**, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator McKean offered amendment S-3548, filed by Senators McKean and Kibbie on April 26, 2001, striking everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3548 was adopted by a voice vote.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 692), the vote was:

Ayes, 43:

Bartz	Behn	Black	Boettger
Connolly	Dearden	Deluhery	Drake
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
McLaren	Miller	Redwine	Rehberg
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 3:

Angelo                      Redfern                      Rittmer

Absent or not voting, 4:

Bolkcom                      Dvorsky                      Jensen                      McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 692** be **immediately messaged** to the House.

### UNFINISHED BUSINESS (Deferred April 23, 2001)

#### **House File 643**

The Senate resumed consideration of **House File 643**, a bill for an act providing statutory revisions relating to the department of education, school districts, and the kindergarten through grade twelve educational program, deferred April 23, 2001.

Senator Horn offered amendment S-3318, filed by him on April 9, 2001, to pages 1 and 3 of the bill.

Senator Horn offered amendment S-3437, filed by him on April 23, 2001, to pages 1 and 2 of amendment S-3318, and moved its adoption.

Amendment S-3437 was adopted by a voice vote.

Senator Horn asked and received unanimous consent to withdraw amendment S-3318.

Senator Connolly offered amendment S-3315, filed by him on April 9, 2001, to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3315 be adopted?” (H.F. 643), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Redfern
Shearer	Soukup		

Nays, 25:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McLaren	Miller	Redwine	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 3:

Jensen	McKinley	Rehberg
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Amendment S–3315 lost.

Senator Connolly withdrew amendment S–3357, filed by him on April 16, 2001, to page 8 and to the title page of the bill.

Senator Flynn asked and received unanimous consent to withdraw amendment S–3362, filed by Senators Flynn, et al., on April 17, 2001, to page 8 of the bill.

With the withdrawal of amendment S–3362, the Chair ruled amendment S–3396, filed by Senator Hammond on April 19, 2001, to page 1 of amendment S–3362, out of order.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 643), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Johnson	King	Kramer
Lamberti	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	Shearer	Soukup

Absent or not voting, 1:

Jensen

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 643** be **immediately messaged** to the House.

### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution 8**, by Iverson, Kramer, and Gronstal, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University.

Read first time and referred to committee on **Rules and Administration**.

## RECESS

On motion of Senator Iverson, the Senate recessed at 5:15 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 5:20 p.m., President Kramer presiding.

## COMMITTEE REPORT

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 27, a concurrent resolution urging Iowa's congressional delegation to support a federal appropriation to implement the Teaching America's History program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 27.

**Senate Concurrent Resolution 27**

On motion of Senator Connolly, **Senate Concurrent Resolution 27**, a concurrent resolution urging Iowa's congressional delegation to support a federal appropriation to implement the Teaching America's History program, with report of committee recommending passage, was taken up for consideration.

Senator Connolly moved the adoption of Senate Concurrent Resolution 27, which motion prevailed by a voice vote.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 722.

**House File 722**

On motion of Senator Drake, **House File 722**, a bill for an act relating to tonnage fees and moneys in the solid waste account of the groundwater protection fund, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 722), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

**Senate File 532**

Senator Lamberti called up for consideration **Senate File 532**, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date, amended by the House in House amendment S-3568, filed April 27, 2001.

Senator Lamberti offered amendment S-3573, filed by him from the floor to page 1 of House amendment S-3568, and moved its adoption.

Amendment S-3573 was adopted by a voice vote.

Senator Lamberti 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 Lamberti 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. 532), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 3:

Freeman

McLaren

Miller

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### SPECIAL GUEST

President Kramer welcomed Sean Dugdale, son of Pamela and Grant Dugdale, to the Senate Chamber. Pam is a Senior Research Analyst with the Republican caucus staff. Sean had recently been hospitalized with complications from severe strep throat.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, for the remainder of the day, on request of Senator Jensen.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration House File 719.

### House File 719

On motion of Senator Lundby, **House File 719**, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 5:43 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:08 p.m., President Kramer presiding.

Senator Lundby offered amendment S-3519, filed by the committee on Appropriations on April 25, 2001, to pages 2-7 and 9 of the bill.

Senator Dvorsky offered amendment S-3532, filed by him on April 26, 2001, to page 1 of amendment S-3519, and moved its adoption.

Amendment S-3532 lost by a voice vote.

Senator King offered amendment S-3567, filed by Senators King, Lundby, and Dvorsky on April 27, 2001, to pages 1 and 3 of amendment S-3519, and moved its adoption.

Amendment S-3567 was adopted by a voice vote.

Senator Lundby moved the adoption of amendment S-3519, as amended, which motion prevailed by a voice vote.

Senator King offered amendment S-3584, filed by Senators King and Lundby from the floor to page 5 of the bill, and moved its adoption.

Amendment S-3584 was adopted by a voice vote.

Senator Hammond offered amendment S-3543, filed by Senators Hammond and Harper on April 26, 2001, to page 5 of the bill.

Senator Hammond asked and received unanimous consent that action on amendment S-3543 be deferred.

Senator Dvorsky offered amendment S-3533, filed by him on April 26, 2001, to page 5 of the bill.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-3533.

Senator Bolkcom offered amendment S-3563, filed by him on April 27, 2001, to page 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3563 be adopted?" (H.F. 719), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 1:

Lamberti

Amendment S-3563 lost.

Senator Lundby offered amendment S-3531, filed by her on April 26, 2001, to page 8 of the bill, and moved its adoption.

Amendment S-3531 was adopted by a voice vote.

Senator Harper offered amendment S-3542, filed by Senators Harper and Hammond on April 26, 2001, to pages 8 and 9 of the bill.

Senator Harper called for the following division of amendment S-3542:

Division S-3542A: Lines 3-4; and  
 Division S-3542B: Lines 5-21.

With the adoption of amendment S-3531, the Chair ruled division S-3542A out of order.

Senator Harper withdrew division S-3542B.

Senator Hammond asked and received unanimous consent to withdraw amendment S-3543, previously deferred.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 719), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Deluhery	Drake	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
King	Kramer	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Absent or not voting, 1:

Lamberti

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 27, Senate File 532, and House Files 719 and 722** be **immediately messaged** to the House.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 30, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 698**, a bill for an act providing appropriations for certain temporary staffing for the Iowa utilities board and consumer advocate prior to assessment of such staffing expenses to utilities.

Read first time and referred to committee on **Appropriations**.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:00 p.m. until 9:00 a.m. Tuesday, May 1, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

April 30, 2001

#### DEPARTMENT OF INSPECTIONS AND APPEALS

Fiscal Year 2000 Annual Report.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Nevada Middle School Team – Haley Huhn, Megan Koudelka, Natalie Tendall, and Erin Wilson – and teachers, Mrs. Adele Beauchene and Mr. Gary Vasey — For being named regional qualifiers for National History Day, Junior Division, Group Performance. Senator McKibben (04/30/01).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifteen students, teachers, and parents from Hoover Elementary School in Dubuque, Iowa, accompanied by teacher Randy Lyons and principal Steve Giesert. Senator Connolly.

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** April 30, 2001, 12:08 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** None.

**Committee Business:** Passed HF 727.

**Adjourned:** 12:35 p.m.

## SUBCOMMITTEE ASSIGNMENT

## House File 698

APPROPRIATIONS: Jensen, Chair; Deluhery and Schuerer

## COMMITTEE REPORTS

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE JOINT RESOLUTION 8, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 28, a concurrent resolution reminding Iowa's congressional delegation to fund the federal financial commitment to states, localities, and children with disabilities under the federal Individuals With Disabilities Education Act.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 727, a bill for an act relating to county mental health, mental retardation, and developmental disabilities services provisions involving capital expenditures and the funding pools in the property tax relief fund for such services expenditures and providing effective and retroactive applicability dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Holveck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 30th day of April, 2001:

Senate Files 57, 141, 185, 209, 323, and 336.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 30, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 84 – Prohibiting the sale or distribution of purple loosestrife.

S.F. 184 – Relating to duties of the county sheriff by increasing the fees and expenses collected by the county sheriff for various services and the release of a garnishment.

S.F. 242 – Relating to the rules regarding the authentication of practitioners' verbal orders in hospitals.

S.F. 265 – Prohibiting the installation, distribution, or sale of nonoperative air bags and providing a penalty.

S.F. 313 – Relating to removal of county board of supervisor appointees.

## AMENDMENTS FILED

S-3573	S.F. 532	Jeff Lamberti
S-3574	H.F. 732	Robert E. Dvorsky Johnie Hammond
S-3575	S.F. 538	Mike Connolly
S-3576	H.F. 732	Maggie Tinsman Johnie Hammond
S-3577	H.F. 732	Johnie Hammond Michael E. Gronstal Dennis H. Black Jack Holveck

			Betty A. Soukup
			Mark Shearer
			Tom Flynn
			Patrick J. Deluhery
			Mike Connolly
			Patricia Harper
			Robert E. Dvorsky
			Eugene S. Fraise
			Joe Bolkom
			John P. Kibbie
			Bill Fink
S-3578	H.F.	732	Johnie Hammond
			Michael E. Gronstal
			Dennis H. Black
			Jack Holveck
			Tom Flynn
			Patricia Harper
			Robert E. Dvorsky
			Eugene S. Fraise
			Joe Bolkom
			John P. Kibbie
			Bill Fink
S-3579	H.F.	732	Johnie Hammond
			Michael E. Gronstal
			Dennis H. Black
			Jack Holveck
			Tom Flynn
			Patricia Harper
S-3580	H.F.	732	Johnie Hammond
			Betty A. Soukup
			Patricia Harper
			Thomas Fiegen
			Mark Shearer
			Robert E. Dvorsky
			Tom Flynn
			Eugene S. Fraise
			John P. Kibbie
			Mike Connolly
			Patrick J. Deluhery
			Joe Bolkom
			Jack Holveck

			Michael E. Gronstal
			Dick L. Dearden
			Matt McCoy
			Wally E. Horn
			Bill Fink
			Steven D. Hansen
			Dennis H. Black
S-3581	H.F.	732	Johnie Hammond
			Patricia Harper
			Mark Shearer
			Betty A. Soukup
			Jack Holveck
S-3582	H.F.	732	Ken Veenstra
S-3583	S.F.	476	Mary E. Kramer
			Nancy Boettger
			Paul McKinley
			JoAnn Johnson
			John W. Jensen
			Richard F. Drake
			Kitty Rehberg
			E. Thurman Gaskill
			Jeff Lamberti
			Mark Zieman
			Larry McKibben
			Andy McKean
			Jerry Behn
			Neal Schuerer
			Jeff Angelo
			Ken Veenstra
			Stewart Iverson, Jr.
			O. Gene Maddox
			David Miller
S-3584	H.F.	719	Steve King
			Mary A. Lundby
S-3585	H.F.	732	Ken Veenstra
S-3586	H.F.	732	Ken Veenstra
S-3587	H.F.	732	Kitty Rehberg

# JOURNAL OF THE SENATE

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ONE-HUNDRED FOURTEENTH CALENDAR DAY  
SIXTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, May 1, 2001

The Senate met in regular session at 9:08 a.m., President Pro Tempore McKean presiding.

Prayer was offered by Kari Dummermuth, Senate Page from Fayette County, Elgin, Iowa.

The Journal of Monday, April 30, 2001, was approved.

## RECESS

On motion of Senator Veenstra, the Senate recessed at 9:19 a.m. until the completion of a meeting of the committee on State Government.

## RECONVENED

The Senate reconvened at 10:22 a.m., President Kramer presiding.

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House File 732.

### **House File 732**

On motion of Senator Veenstra, **House File 732**, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

President Pro Tempore McKean took the chair at 10:29 a.m.

(Action on House File 732 was deferred.)

The Senate stood at ease at 10:33 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:40 a.m., Senator McLaren presiding.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 724**, a bill for an act relating to the allocation of special fees collected from the sale of Iowa heritage license plates.

Read first time and referred to committee on **Ways and Means**.

### RECESS

On motion of Senator Freeman, the Senate recessed at 11:41 a.m. until 1:00 p.m.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

May 1, 2001

#### IOWA COMMUNICATIONS NETWORK

Fiscal Year 2000 Annual Report.

### REPORTS OF COMMITTEE MEETINGS

#### RULES AND ADMINISTRATION

**Convened:** April 30, 2001, 5:16 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed SJR 8 and SCRs 27 and 28.

**Adjourned:** 5:19 p.m.

#### STATE GOVERNMENT

**Convened:** May 1, 2001, 9:35 a.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton.

**Members Absent:** None.

**Committee Business:** Approved SSB 1272 (without recommendation).

**Adjourned:** 10:16 a.m.

### SUBCOMMITTEE ASSIGNMENT

#### House File 724

WAYS AND MEANS: Flynn, Chair; Drake and Rehberg

## AFTERNOON SESSION

The Senate reconvened at 1:20 p.m., President Pro Tempore McKean presiding.

## QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 528**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail. (S-3592)

ALSO: That the House has on May 1, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 407**, a bill for an act relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means.

ALSO: That the House has on May 1, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 720**, a bill for an act relating to the taking of fish and game by increasing fees for nonresident hunting, fishing, fur harvesting, and related licenses, providing for additional licenses and fees, and providing effective and applicability dates.

Read first time and referred to committee on **Ways and Means**.

President Kramer took the chair at 1:24 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fiegen, until he arrives, on request of Senator Shearer.

### BUSINESS PENDING

### House File 732

The Senate resumed consideration of **House File 732**, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates, previously deferred.

Senator Hammond offered amendment S-3581, filed by Senator Hammond, et al., on April 30, 2001, to pages 4-6, 60, and 61 of the bill.

President Pro Tempore McKean took the chair at 1:45 p.m.

Senator Hammond moved the adoption of amendment S-3581.

A record roll call was requested.

On the question "Shall amendment S-3581 be adopted?" (H.F. 732), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Gaskill	Greiner	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

Fiegen

Amendment S-3581 lost.

Senator Veenstra offered amendment S-3589, filed by him from the floor, to pages 4, 6, 12, 23, 25, 29, 38, 58, 62, and 65-67 of the bill, and moved its adoption.

Amendment S-3589 was adopted by a voice vote.

With the adoption of amendment S-3589, the Chair ruled the following amendments out of order:

S-3585, filed by Senator Veenstra on April 30, 2001, to page 6 of the bill;

S-3582, filed by Senator Veenstra on April 30, 2001, to pages 6, 12, 29, 38, 62, 65, and 66 of the bill; and

S-3586, filed by Senator Veenstra on April 30, 2001, to page 58 of the bill.

Senator Hammond offered amendment S-3577, filed by Senator Hammond, et al., on April 30, 2001, to page 24 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3577 be adopted?" (H.F. 732), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn

Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fiegen

Amendment S-3577 lost.

Senator Tinsman offered amendment S-3576, filed by Senators Tinsman and Hammond on April 30, 2001, to page 36 of the bill, and moved its adoption.

Amendment S-3576 was adopted by a voice vote.

Senator Hammond offered amendment S-3579, filed by Senator Hammond, et al., on April 30, 2001, to page 42 of the bill.

Senator Hammond asked and received unanimous consent to withdraw amendment S-3579.

Senator Dvorsky offered amendment S-3574, filed by Senators Dvorsky and Hammond on April 30, 2001, to page 45 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3574 be adopted?" (H.F. 732), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn

Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fiegen

Amendment S-3574 lost.

Senator Hammond offered amendment S-3578, filed by Senator Hammond, et al., on April 30, 2001, to page 49 of the bill.

Senator Angelo took the chair at 3:31 p.m.

Senator Hammond moved the adoption of amendment S-3578.

A record roll call was requested.

On the question "Shall amendment S-3578 be adopted?" (H.F. 732), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	Shearer	Soukup

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern

Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 2:

Fiegen	Lamberti
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Amendment S-3578 lost.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lamberti, until he returns, on request of Senator Boettger; and Senator McLaren, until he returns, on request of Senator Drake.

### BUSINESS PENDING

### House File 732

The Senate resumed consideration of House File 732.

Senator Hammond offered amendment S-3580, filed by Senator Hammond, et al., on April 30, 2001, to page 53 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3580 be adopted?" (H.F. 732), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lundby	Maddox	McKean
McKibben	McKinley	Miller	Redfern

Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Fiegen	Lamberti	McLaren
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Amendment S-3580 lost.

Senator Rehberg offered amendment S-3587, filed by her on April 30, 2001, to page 58 of the bill.

Senator Rehberg asked and received unanimous consent to withdraw amendment S-3587.

With the withdrawal of amendment S-3587, the Chair ruled amendment S-3594, filed by Senator Dvorsky from the floor to page 1 of amendment S-3587, out of order.

Senator Veenstra offered amendment S-3593, filed by him from the floor to pages 63 and 64 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment S-3593 and **House File 732** be **deferred**.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Iverson and Kramer, until they return, on request of Senator Bartz; and Senator Holveck, until he returns, on request of Senator Dearden.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 712.

#### **House File 712**

On motion of Senator Rehberg, **House File 712**, a bill for an act relating to the annual filing for the family farm tax credit, to the notification to the assessor of the change in ownership or the person

actively engaged in farming the tract of agricultural land for which the family farm tax credit is allowed, providing a penalty, and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 712), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Horn	Jensen	Johnson
Kibbie	King	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Fiegen	Holveck	Iverson	Kramer
Lamberti			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Bartz asked and received unanimous consent to take up for consideration House File 731.

## House File 731

On motion of Senator McKinley, **House File 731**, a bill for an act regarding certain changes relating to the utility replacement tax, and providing for the Act's applicability, with report of committee recommending passage, was taken up for consideration.

Senator McKinley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 731), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Jensen
Johnson	Kibbie	King	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fiegen	Iverson	Kramer	Lamberti
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **House Files 712 and 731** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Bartz asked and received unanimous consent to take up for consideration House File 713.

**House File 713**

On motion of Senator Miller, **House File 713**, a bill for an act relating to the administration of county government by providing for the issuance of certain lease or lease-purchase contracts, the recording of certain property transfers, the striking of a requirement to record returns of marriage with real estate recordings, the imposition of a real estate installment contract fee, and changing the date for reporting and paying agricultural land tax credits and family farm tax credits, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Miller offered amendment S-3570, filed by the committee on Ways and Means on April 27, 2001, to page 3 of the bill, and moved its adoption.

Amendment S-3570 was adopted by a voice vote.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 713), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Jensen
Johnson	Kibbie	King	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Fiegen

Iverson

Kramer

Lamberti

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS  
(Deferred April 30, 2001)

**House File 635**

The Senate resumed consideration of **House File 635**, a bill for an act providing that certain employees are not entitled to compensation for time spent traveling to and from the worksite, deferred April 30, 2001.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 635), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Angelo

Behn

Boettger

Drake

Freeman

Gaskill

Greiner

Iverson

Jensen

Johnson

King

Kramer

Lamberti

Lundby

Maddox

McKean

McKibben

McKinley

McLaren

Miller

Redfern

Redwine

Rehberg

Schuerer

Sexton

Tinsman

Veenstra

Zieman

Nays, 21:

Bartz

Black

Bolkcom

Connolly

Dearden

Deluhery

Dvorsky

Fink

Flynn

Fraise

Gronstal

Hammond

Hansen

Harper

Holveck

Horn

Kibbie

McCoy

Rittmer

Shearer

Soukup

Absent or not voting, 1:

Fiegen

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **House Files 635** and **713** be **immediately messaged** to the House.

#### BUSINESS PENDING

#### **House File 732**

The Senate resumed consideration of **House File 732**, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates, and amendment S-3593, previously deferred.

Senator Veenstra moved the adoption of amendment S-3593, which motion prevailed by a voice vote.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Iverson and Kramer, until they return, on request of Senator Bartz.

#### BUSINESS PENDING

#### **House File 732**

The Senate resumed consideration of House File 732.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 732), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Jensen	Johnson	King	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Absent or not voting, 3:

Fiegen	Iverson	Kramer
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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 MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 742**, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural

resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates.

Read first time and referred to committee on **Appropriations**.

#### IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **House File 732** be **immediately messaged** to the House.

#### RECESS

On motion of Senator Bartz, the Senate recessed at 5:26 p.m. until 6:30 p.m.

#### EVENING SESSION

The Senate reconvened at 6:34 p.m., Senator Bartz presiding.

#### QUORUM CALL

Senator Boettger requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent, and a quorum present.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren, until he returns, on request of Senator Iverson.

#### CONFERENCE COMMITTEE REPORT CONSIDERED

#### **Senate File 346**

Senator McKean called up the conference committee report on **Senate File 346**, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department,

for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, filed on April 27, 2001, 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 McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 346), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Drake	Dvorsky
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hansen	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, 5:

Bolkcom	Dearden	Deluhery	Hammond
Harper			

Absent or not voting, 2:

Kramer	McLaren
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## HOUSE AMENDMENT CONSIDERED

**Senate File 528**

Senator Jensen called up for consideration **Senate File 528**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail, amended by the House, and moved that the Senate concur in House amendment S-3592, filed May 1, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jensen moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 528), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

The Senate stood at ease at 7:15 p.m. until the fall of the gavel.

The Senate resumed session at 7:41 p.m., Senator Bartz presiding.

President Kramer took the chair at 7:42 p.m.

CONFERENCE COMMITTEE REPORT RECEIVED  
(Senate File 203)

A conference committee report, signed by the following Senate and House members, was filed May 1, 2001, on Senate File 203, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date:

On the part of the Senate:

NANCY BOETTGER, Chair  
JEFF ANGELO  
MICHAEL CONNOLLY  
JACK KIBBIE  
JOHN REDWINE

On the part of the House:

BOB BRUNKHORST, Chair  
CARMINE BOAL  
BETTY GRUNDBERG  
MARY MASCHER  
PHIL WISE

CONFERENCE COMMITTEE REPORT CONSIDERED

**Senate File 203**

Senator Boettger called up the conference committee report on **Senate File 203**, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date, filed on May 1, 2001, 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.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn and Rehberg, until they return, on request of Senator Bartz.

## BUSINESS PENDING

**Senate File 203**

The Senate resumed consideration of Senate File 203.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 203), the vote was:

Ayes, 44:

Angelo	Bartz	Black	Boettger
Bolkcom	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKibben	McKinley	Redfern	Redwine
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 4:

Greiner	McKean	McLaren	Miller
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Absent or not voting, 2:

Behn	Rehberg
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 203** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:50 p.m. until 9:00 a.m. Wednesday, May 2, 2001.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-two fourth, fifth, and sixth graders from Alta, Iowa, accompanied by their teacher, Ila Galvin. Senator Freeman.

### INTRODUCTION OF BILL

**Senate File 540**, by committee on State Government, a bill for an act providing for congressional and legislative districts and providing an effective date.

Read first time under Rule 28 and **placed on calendar**.

### STUDY BILLS RECEIVED

#### **SSB 1273 Appropriations**

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

#### **SSB 1274 Appropriations**

Relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 720**

WAYS AND MEANS: Drake, Chair; Holveck and Maddox

#### **House File 742**

APPROPRIATIONS: Jensen, Chair; Lamberti and Soukup

#### **SSB 1273**

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

**SSB 1274**

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

**COMMITTEE REPORT****STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 540 (SSB 1272), a bill for an act providing for congressional and legislative districts and providing an effective date.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, McLaren, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of May, 2001:

Senate Files 222, 344, 354, 412, and 418.

MICHAEL E. MARSHALL  
Secretary of the Senate

**MOTIONS TO RECONSIDER FILED**

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 346 passed the Senate on May 1, 2001.

STEWART IVERSON, JR.

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 528 passed the Senate on May 1, 2001.

STEWART IVERSON, JR.

## AMENDMENTS FILED

S-3588	S.F.	476	Mary E. Kramer Nancy Boettger
S-3589	H.F.	732	Ken Veenstra
S-3590	S.F.	476	Patricia Harper Johnie Hammond Michael E. Gronstal Betty A. Soukup John P. Kibbie Robert E. Dvorsky Jack Holveck Mark Shearer Tom Flynn Joe Bolkcom Wally E. Horn Eugene S. Fraise Patrick J. Deluhery Bill Fink
S-3591	S.F.	476	Mike Connolly Patrick J. Deluhery Tom Flynn Mark Shearer John P. Kibbie Jack Holveck Robert E. Dvorsky Betty A. Soukup
S-3592	S.F.	528	House
S-3593	H.F.	732	Ken Veenstra
S-3594	H.F.	732	Robert E. Dvorsky
S-3595	S.F.	476	Bill Fink
S-3596	S.F.	476	Bill Fink
S-3597	S.F.	476	Patricia Harper
S-3598	H.F.	637	Kitty Rehberg
S-3599	H.F.	697	Mary Lou Freeman

# JOURNAL OF THE SENATE

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ONE-HUNDRED FIFTEENTH CALENDAR DAY  
SIXTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, May 2, 2001

The Senate met in regular session at 9:10 a.m., President Pro Tempore McKean presiding.

Prayer was offered by the Honorable Maggie Tinsman, member of the Senate from Scott County, Davenport, Iowa.

The Journal of Tuesday, May 1, 2001, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 2001, **adopted** the conference committee report **and passed** Senate File 203, a bill for an act extending the regular program district cost guarantee for school districts, and providing an effective date.

ALSO: That the House has on May 1, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 713**, a bill for an act relating to the administration of county government by providing for the issuance of certain lease or lease-purchase contracts, the recording of certain property transfers, the striking of a requirement to record returns of marriage with real estate recordings, the imposition of a real estate installment contract fee, and changing the date for reporting and paying agricultural land tax credits and family farm tax credits.

ALSO: That the House has on May 1, 2001, **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 458**, a bill for an act relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, and termination of parental rights.

ALSO: That the House has on May 1, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 740**, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on May 1, 2001, **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 726**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the governor's office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date. (S-3601)

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bartz, Lundby, McLaren, and Redfern, until they arrive, on request of Senator Angelo; and Senator Sexton, until he arrives, on request of Senator Maddox.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for immediate consideration Senate Joint Resolution 8.

## Senate Joint Resolution 8

On motion of Senator Kramer, **Senate Joint Resolution 8**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University, with report of committee recommending passage, was taken up for consideration.

Senator Kramer moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

**Senate Joint Resolution 8**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University.

WHEREAS, the State of Iowa has the honor of hosting a meeting of the State Legislative Leaders Foundation, a nonpartisan national organization representing the nation's legislative leaders; and

WHEREAS, the meeting will bring together legislative leaders, including senate presidents, house speakers, senate presidents pro tempore, house speakers pro tempore, majority leaders, and minority leaders from throughout the United States, and many of the world's foremost experts on food safety and genetic engineering, including representatives from the United States Food and Drug Administration, the United Nations Food and Agricultural Organization, and leading corporations engaged in genetic engineering and food products; and

WHEREAS, Iowa's unique State Capitol is an optimal location for a dinner held in conjunction with this prestigious meeting; and

WHEREAS, wine is customarily served as an accompaniment to the food and entertainment provided at this type of dinner; and

WHEREAS, under 401 IAC 1.6(6), which prohibits the consumption of alcoholic beverages on the capitol complex, it is not possible to serve wine in the State Capitol at this type of dinner; NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Notwithstanding 401 IAC 1.6(6) and any contrary provisions of chapter 123, prohibiting the use and consumption of alcoholic beverages in public places, wine may be used and consumed within the State Capitol at a dinner, to be held on or around Friday, June 22, 2001, hosted and organized in whole or in part by the State Legislative Leaders Foundation and Iowa State University, if the person providing the food and wine at the dinner possesses an appropriate valid liquor control license. For the purpose of this section and section 123.95, the State Capitol is a private place.

On the question "Shall the resolution be adopted?" (S.J.R. 8), the vote was:

Ayes, 42:

Angelo	Behn	Boettger	Bolkcom
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hansen	Harper	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, 3:

Black	Hammond	Holveck
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Absent or not voting, 5:

Bartz	Lundby	McLaren	Redfern
Sexton			

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Joint Resolution 8** be **immediately messaged** to the House.

## MOTION TO RECONSIDER WITHDRAWN

**Senate File 528**

Senator Iverson withdrew the motion to reconsider Senate File 528, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail, filed by him on May 1, 2001, and found on page 1442 of the Senate Journal.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 528** be **immediately messaged** to the House.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 46**, by Johnson, a Senate resolution supporting a women's health care platform that recognizes and calls for the elimination of inequities in the health prevention and treatment of women in Iowa.

Read first time and referred to committee on **Rules and Administration**.

**Senate Resolution 47**, by Holveck, Iverson, Harper, Hammond, Behn, Rehberg, Redfern, Kramer, and McKibben, a Senate resolution recognizing and congratulating Quakerdale on 150 years of service.

Read first time and referred to committee on **Rules and Administration**.

**Senate Resolution 48**, by Drake, Jensen, Dearden, Kibbie, and Horn, a Senate resolution recognizing the United States Seagoing Marine Association, and designating August 2001 as United States Seagoing Marines Month.

Read first time and referred to committee on **Rules and Administration**.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 540.

**Senate File 540**

On motion of Senator King, **Senate File 540**, a bill for an act providing for congressional and legislative districts and providing an effective date, with report of committee without recommendation, was taken up for consideration.

The Senate stood at ease at 9:30 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:00 a.m., President Kramer presiding.

President Pro Tempore McKean took the chair at 10:41 a.m.

President Kramer took the chair at 10:48 a.m.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 540), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Maddox	McCoy	Shearer
Soukup			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	McLaren	Miller

Redwine  
Tinsman

Rehberg  
Veenstra

Rittmer  
Zieman

Schuerer

Absent or not voting, 2:

Redfern

Sexton

The bill, not having received a constitutional majority, was declared to have failed to have passed the Senate.

### MOTION TO RECONSIDER WITHDRAWN

#### **Senate File 346**

Senator Iverson withdrew the motion to reconsider Senate File 346, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, filed by him on May 1, 2001, and found on page 1442 of the Senate Journal.

### RECESS

On motion of Senator Iverson, the Senate recessed at 11:58 a.m. until 2:00 p.m.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Five senior government students from East Marshall High School in Le Grand, Iowa. Senator McKibben.

### BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of May, 2001:

Senate File 533.

MICHAEL E. MARSHALL  
Secretary of the Senate

### REPORT OF COMMITTEE MEETING

#### RULES AND ADMINISTRATION

**Convened:** May 2, 2001, 12:00 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed SRs 45, 46, and 47.

**Adjourned:** 12:02 p.m.

### SUBCOMMITTEE ASSIGNMENT

#### House File 740

APPROPRIATIONS: Tinsman, Chair; Hammond and Lamberti

## COMMITTEE REPORTS

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 45, a Senate resolution designating June 16, 2001, as Juneteenth National Freedom Day.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 46, a Senate resolution supporting a women's health care platform that recognizes and calls for the elimination of inequities in the health prevention and treatment of women in Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 47, a Senate resolution recognizing and congratulating Quakerdale on 150 years of service.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AFTERNOON SESSION

The Senate reconvened at 2:08 p.m., President Pro Tempore McKean presiding.

## QUORUM CALL

Senator Bartz requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 714**, a bill for an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions.

Read first time and attached to **similar Senate File 522**.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 346** be **immediately messaged** to the House.

The Senate stood at ease at 2:18 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:12 p.m., President Pro Tempore McKean presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 516**, a bill for an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including a retroactive applicability date provision. (S-3603)

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Shearer, until he returns, and Senator Fiegen, for the remainder of the day, on request of Senator Soukup.

## UNFINISHED BUSINESS

(Deferred April 30, 2001)

**Senate File 476**

The Senate resumed consideration of **Senate File 476**, a bill for an act relating to the establishment of a student achievement and teacher quality program, deferred April 30, 2001.

Senator Kramer offered amendment S-3583, filed by Senator Kramer, et al., on April 30, 2001, striking everything after the enacting clause of the bill.

Senator Connolly offered amendment S-3591, filed by Senator Connolly, et al., on May 1, 2001, striking everything after the enacting clause and to the title provisions of amendment S-3583, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3591 to amendment S-3583 be adopted?" (S.F. 476), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
Soukup			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Fink	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
McLaren	Miller	Redwine	Rehberg
Rittmer	Schuerer	Tinsman	Veenstra
Zieman			

Absent or not voting, 4:

Fiegen	Redfern	Sexton	Shearer
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Amendment S-3591 lost.

Senator Kramer asked and received unanimous consent to withdraw amendment S-3588, filed by Senators Kramer and Boettger on May 1, 2001, to pages 3 and 9 of amendment S-3583.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, until he returns, on request of Senator Kramer.

#### BUSINESS PENDING

#### Senate File 476

The Senate resumed consideration of Senate File 476.

Senator Harper offered amendment S-3597, filed by her on May 1, 2001, to page 8 of amendment S-3583, moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3597 to amendment S–3583 be adopted?” (S.F. 476), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 17:

Black	Bolkcom	Dearden	Deluhery
Dvorsky	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup			

Nays, 27:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Miller
Redwine	Rehberg	Rittmer	Schuerer
Tinsman	Veenstra	Zieman	

Present, 2:

Connolly	Fink
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Absent or not voting, 4:

Bartz	Fiegen	Redfern	Sexton
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Amendment S–3597 lost.

Senator Fink offered amendment S–3596, filed by him on May 1, 2001, to pages 8, 10, and 11 of amendment S–3583, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3596 to amendment S–3583 be adopted?” (S.F. 476), the vote was:

Ayes, 20:

Angelo	Black	Bolkcom	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Freeman	Gronstal	Hammond

Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 26:

Behn	Boettger	Connolly	Drake
Gaskill	Greiner	Iverson	Jensen
Johnson	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redwine
Rehberg	Rittmer	Schuerer	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Bartz	Fiegen	Redfern	Sexton
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Amendment S-3596 lost.

Senator Fink offered amendment S-3595, filed by him on May 1, 2001, to page 12 of amendment S-3583, moved its adoption.

A nonrecord roll call was requested.

The ayes were 18, nays 26.

Amendment S-3595 lost.

(Action on Senate File 476 was deferred, amendment S-3583 pending.)

The Senate stood at ease at 4:44 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:07 p.m., President Pro Tempore McKean presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 339**, a bill for an act relating to scheduled fines for hunting and fishing violations.

ALSO: That the House has on May 2, 2001, **receded from** the House amendment to the Senate amendment, **and passed** the following bill in which the concurrence of the House was asked:

**Senate File 470**, a bill for an act relating to the regulation of infectious and contagious diseases in animals, and providing for penalties.

ALSO: That the House has on May 2, 2001, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 98**, a bill for an act concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster. (S-3612)

**Senate File 140**, a bill for an act updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, lowering the threshold amount for making estimated payments for corporations and financial institutions, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date. (S-3611)

## INTRODUCTION OF BILLS

**Senate File 541**, by committee on Appropriations, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Read first time and placed on **Appropriations calendar**.

**Senate File 542**, by committee on Appropriations, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

Read first time and placed on **Appropriations calendar**.

**Senate File 543**, by Iverson and Gronstal, a bill for an act making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class “D” felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties.

Read first time and referred to committee on **Judiciary**.

#### QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren, until he returns, on request of Senator Kramer.

#### BUSINESS PENDING

#### **Senate File 476**

The Senate resumed consideration of **Senate File 476**, a bill for an act relating to the establishment of a student achievement and teacher quality program, previously deferred (amendment S-3583 pending).

Senator Connolly offered amendment S-3610, filed by Senators Connolly and Kibbie from the floor to pages 1-20 of amendment S-3583, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3610 to amendment S-3583 be adopted?” (S.F. 476), the vote was:

Ayes, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	McCoy
Shearer	Soukup		

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Fink	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 3:

Fiegen	McLaren	Redfern
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Amendment S-3610 lost.

Senator Harper offered amendment S-3590, filed by Senator Harper, et al., on May 1, 2001, to pages 13-18 of amendment S-3583, and moved its adoption.

Amendment S-3590 was adopted by a voice vote.

Senator Kramer offered amendment S-3604, filed by her from the floor to pages 1, 3, 9-13, 17, 19, and 20 of amendment S-3583, and moved its adoption.

Senator Kramer called for the following division of amendment S-3604:

Division S-3604A: Page 2, lines 10-16; and

Division S-3604B: Page 1, lines 3-50; page 2, lines 1-9 and 17-30.

Senator Kramer withdrew division S-3604A.

Senator Kramer moved the adoption of division S-3604B.

A record roll call was requested.

On the question “Shall division S–3604B to amendment S–3583 be adopted?” (S.F. 476), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Absent or not voting, 2:

Fiegen	Redfern
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Division S–3604B was adopted.

Senator Kramer moved the adoption of amendment S–3583, as amended.

A record roll call was requested.

On the question “Shall amendment S–3583 be adopted?” (S.F. 476), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Hansen	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
McLaren	Miller	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Hammond	Harper
Holveck	Horn	Kibbie	McCoy
Shearer	Soukup		

Absent or not voting, 2:

Fiegen	Redfern
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Amendment S-3583 was adopted.

Senator Angelo took the chair at 7:30 p.m.

President Pro Tempore McKean took the chair at 7:42 p.m.

Senator Kramer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 476), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Greiner	Iverson
Jensen	Johnson	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 23:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Freeman	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	King	McCoy	McLaren
Miller	Shearer	Soukup	

Absent or not voting, 1:

Fiegen

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### SPECIAL GUESTS

Senator Kramer introduced the following members of the Statehouse cafeteria staff in recognition of their dedication and willingness to go above and beyond the call of duty in regard to customer service: Don Ostrander, Ignacio (Nacho) Hernandez, Shirley Wilson, and Gena Lucia.

The Senate rose and expressed its appreciation.

### UNFINISHED BUSINESS

#### **House File 670**

On motion of Senator Boettger, **House File 670**, a bill for an act relating to nontraditional practitioner preparation instruction programs, including the licensure of individuals who are participating in or have successfully completed a program, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Boettger offered amendment S-3615, filed by her from the floor striking everything after the enacting clause of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S-3615 and **House File 670** be **deferred**.

### UNFINISHED BUSINESS

#### **House File 349**

On motion of Senator Greiner, **House File 349**, a bill for an act relating to the enterprise zone program by creating an eligible development business portion of the program, amending the incentives and assistance provisions available under the enterprise zone program, and providing a retroactive applicability date, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Redwine asked and received unanimous consent to withdraw amendment S-3409, filed by him on April 19, 2001, to pages 1-3, 5 and 7 of the bill.

With the withdrawal of amendment S-3409, the Chair ruled amendment S-3614, filed by Senator Shearer from the floor to page 1 of amendment S-3409, out of order.

Senator Redwine offered amendment S-3475, filed by him on April 24, 2001, to pages 1-3, 5, and 7 of the bill.

Senator Shearer asked and received unanimous consent that action on amendment S-3475 be deferred.

Senator Greiner offered amendment S-3600, filed by Senators Greiner and King from the floor to pages 3, 12, and to the title page of the bill, and moved its adoption.

Amendment S-3600 was adopted by a voice vote.

The Senate resumed consideration of amendment S-3475, previously deferred.

Senator Shearer offered amendment S-3616, filed by him from the floor to page 1 of amendment S-3475, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 19, nays 27.

Amendment S-3616 lost.

Senator Redwine moved the adoption of amendment S-3475, which motion prevailed by a voice vote.

Senator Greiner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 349), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 3:

Dearden	Shearer	Soukup
---------	---------	--------

Absent or not voting, 1:

Fiegen

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

The Senate stood at ease at 8:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:03 p.m., President Kramer presiding.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 349** be **immediately messaged** to the House.

### BUSINESS PENDING

### House File 670

The Senate resumed consideration of **House File 670**, a bill for an act relating to nontraditional practitioner preparation instruction programs, including the licensure of individuals who are participating in or have successfully completed a program, and amendment S-3615, previously deferred.

Senator Angelo took the chair at 9:22 p.m.

President Kramer took the chair at 10:05 p.m.

Senator Boettger moved the adoption of amendment S-3615.

A nonrecord roll call was requested.

The ayes were 28, nays 19.

Amendment S-3615 was adopted.

With the adoption of S-3615, the Chair ruled amendment S-3407, filed by Senator Boettger on April 19, 2001, to pages 1-4 of the bill, out of order.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 670), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Nays, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Freeman	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	Shearer
Soukup	Tinsman		

Absent or not voting, 1:

Fiegen

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### MOTION TO RECONSIDER ADOPTED

Senator Iverson called up the motion to reconsider **House File 403**, filed by him on April 17, 2001, found on page 1165 of the Senate Journal, and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 403) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fiegen

The motion prevailed.

Senator Iverson moved to reconsider the vote by which House File 403 went to its last reading, which motion prevailed by a voice vote.

Senator Iverson asked and received unanimous consent that action on **House File 403** be **deferred**.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 745**, a bill for an act regulating foot and mouth disease and providing an effective date.

Read first time and referred to committee on **Agriculture**.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 670** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:40 p.m. until 9:00 a.m. Thursday, May 3, 2001.

## APPENDIX

### MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 476 passed the Senate on May 2, 2001.

MARY KRAMER

## SIMILAR BILL RECEIVED

On May 2, 2001, **House File 714** was received and attached to similar **Senate File 522** on the Senate calendar.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 2, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 57 – Relating to approval of city ordinances granting certain utility franchises.

S.F. 141 – Relating to the allocation of program job credits to program costs under the accelerated career education program and providing effective and retroactive applicability dates.

S.F. 185 – Relating to the definition of factory-built structures, the relocation of factory-built structures, the certification of installers of manufactured homes, and providing a fee, an appropriation, and a civil penalty.

S.F. 209 – Providing for livestock, including the control of paratuberculosis, and providing for penalties.

S.F. 323 – Relating to the standard for investment of retirement funds by municipal utilities.

S.F. 336 – Relating to the authority of the state board of educational examiners to develop a code of professional rights and responsibilities, practices, and ethics for practitioners.

S.F. 533 – Relating to and making appropriations to the tobacco settlement trust fund and providing a contingent effective date.

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS

**Convened:** May 2, 2001, 12:55 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann.

**Members Absent:** Fiegen and Redfern (both excused).

**Committee Business:** Approved SSBs 1273 and 1274 and passed HF's 740 and 742.

**Adjourned:** 2:00 p.m.

## JUDICIARY

**Convened:** May 2, 2001, 10:42 p.m.

**Members Present:** Maddox, Chair Holveck, Ranking Member; Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, and Tinsman.

**Members Absent:** Redfern, Vice Chair; Fiegen, and Miller (all excused).

**Committee Business:** Passed SF 543.

**Adjourned:** 10:45 p.m.

## SUBCOMMITTEE ASSIGNMENT

### Senate File 543

JUDICIARY: McKean, Chair; Hammond and Maddox

## COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 541 (SSB 1273), a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, McKibben, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 9: Flynn, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, Horn, Lundby, and Soukup. Absent or not voting, 3: Black, Fiegen, and Redfern.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 542 (SSB 1274), a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, Lundby, McKibben, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 8:

Flynn, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, Horn, and Soukup. Absent or not voting, 3: Black, Fiegen, and Redfern.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 740, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 23: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Fiegen and Redfern.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 742, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Lamberti, Kramer, Angelo, Behn, Gaskill, Jensen, King, Lundby, McKibben, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 9: Flynn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Hammond, Horn, and Soukup. Absent or not voting, 2: Fiegen and Redfern.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## JUDICIARY

**Final Bill Action:** SENATE FILE 543, a bill for an act making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class "D"

felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Maddox, Holveck, Angelo, Boettger, Fraise, Hammond, Hansen, Horn, King, Lamberti, McKean, and Tinsman. Nays, none. Absent or not voting, 3: Redfern, Fiegen, and Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### AMENDMENTS FILED

S-3600	H.F.	349	Sandra Greiner Steve King
S-3601	H.F.	726	House
S-3602	S.F.	499	O. Gene Maddox Michael E. Gronstal
S-3603	S.F.	516	House
S-3604	S.F.	476	Mary E. Kramer
S-3605	H.F.	742	Mike Connolly
S-3606	H.F.	742	Mary A. Lundby
S-3607	H.F.	742	Sandra Greiner
S-3608	H.F.	695	Mike Connolly Paul McKinley
S-3609	H.F.	742	Robert E. Dvorsky Eugene S. Fraise
S-3610	S.F.	476	Mike Connolly John P. Kibbie
S-3611	S.F.	140	House
S-3612	S.F.	98	House
S-3613	H.F.	742	Jeff Lamberti
S-3614	H.F.	349	Mark Shearer
S-3615	H.F.	670	Nancy Boettger
S-3616	H.F.	349	Mark Shearer
S-3617	H.F.	742	Robert E. Dvorsky
S-3618	H.F.	742	Bill Fink Betty A. Soukup Joe Bolkcom Robert E. Dvorsky Jack Holveck Dennis H. Black

S-3619	H.F.	742	Patrick J. Deluhery Mark Shearer Dennis H. Black Betty A. Soukup Patrick J. Deluhery Joe Bolkom Robert E. Dvorsky Jack Holveck Mark Shearer Bill Fink
S-3620	H.F.	742	Betty A. Soukup Patrick J. Deluhery Joe Bolkom Robert E. Dvorsky Jack Holveck Bill Fink
S-3621	H.F.	742	Dennis H. Black Robert E. Dvorsky Johnie Hammond Patricia Harper Joe Bolkom

# JOURNAL OF THE SENATE

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ONE-HUNDRED SIXTEENTH CALENDAR DAY  
SEVENTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, May 3, 2001

The Senate met in regular session at 9:03 a.m., President Pro Tempore McKean presiding.

Prayer was offered by Mr. Joel Oswald from Ames, Iowa, clerk for Senator King.

The Journal of Wednesday, May 2, 2001, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2001, **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 719**, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date. (S-3623)

## CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Bartz asked and received unanimous consent to take up for immediate consideration Senate Resolutions 45 and 46.

### **Senate Resolution 45**

On motion of Senator Kramer, **Senate Resolution 45**, a Senate resolution designating June 16, 2001, as Juneteenth National Freedom Day, with report of committee recommending passage, was taken up for consideration.

Senator Kramer moved the adoption of Senate Resolution 45, which motion prevailed by a voice vote.

President Kramer took the chair at 9:11 a.m.

### **Senate Resolution 46**

On motion of Senator Johnson, **Senate Resolution 46**, a Senate resolution supporting a women's health care platform that recognizes and calls for the elimination of inequities in the health prevention and treatment of women in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 46, which motion prevailed by a voice vote.

### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator Redfern, until he arrives, on request of Senator Angelo.

### **CONSIDERATION OF BILL (Regular Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 543.

### **Senate File 543**

On motion of Senator McKean, **Senate File 543**, a bill for an act making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class "D"

felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 543), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

### House File 695

On motion of Senator McKinley, **House File 695**, a bill for an act relating to the school-to-career program, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Connolly offered amendment S-3608, filed by Senators Connolly and McKinley on May 2, 2001, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-3608 was adopted by a voice vote.

Senator McKinley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 695), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 726

Senator Tinsman called up for consideration **House File 726**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the

department of human rights, the governor's office of drug control policy, and the commission of veterans affairs, providing a criminal surcharge increase, and providing an effective date, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-3601 to Senate amendment H-1763, filed May 2, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Tinsman moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 726), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, 1:

Redfern

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 543** and **House Files 695** and **726** be **immediately messaged** to the House.

## HOUSE AMENDMENT CONSIDERED

**Senate File 499**

Senator Maddox called up for consideration **Senate File 499**, a bill for an act making changes to and reorganizing scheduled fines, amended by the House in House amendment S-3571, filed April 27, 2001.

Senator Maddox offered amendment S-3602, filed by Senators Maddox and Gronstal on May 2, 2001, to page 1 of House amendment S-3571, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 17, nays 28.

Amendment S-3602 lost.

Senator Maddox moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Maddox 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. 499), the vote was:

Ayes, 29:

Angelo	Behn	Boettger	Drake
Flynn	Freeman	Gaskill	Gronstal
Hammond	Harper	Iverson	Jensen

Johnson	Kibbie	King	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	Miller	Redfern
Redwine	Rittmer	Tinsman	Veenstra
Zieman			

Nays, 21:

Bartz	Black	Bolkcom	Connolly
Dearden	Deluhery	Dvorsky	Fiegen
Fink	Fraise	Greiner	Hansen
Holveck	Horn	McKinley	McLaren
Rehberg	Schuerer	Sexton	Shearer
Soukup			

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal, until he returns, on request of Senator Hansen.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 140

Senator Deluhery called up for consideration **Senate File 140**, a bill for an act updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, lowering the threshold amount for making estimated payments for corporations and financial institutions, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date, amended by the House, and moved that the Senate concur in House amendment S-3611, filed May 2, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Deluhery 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. 140), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Gronstal

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

President Pro Tempore McKean took the chair at 10:30 a.m.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 140** and **499** be **immediately messaged** to the House.

### RECESS

On motion of Senator Iverson, the Senate recessed at 10:33 a.m. until the completion of a meeting of the committee on Agriculture.

**APPENDIX****REPORT OF COMMITTEE MEETING****AGRICULTURE**

**Convened:** May 3, 2001, 10:35 a.m.

**Members Present:** McLaren, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Zieman.

**Members Absent:** None.

**Committee Business:** Passed HF 745.

**Adjourned:** 11:18 a.m.

**STUDY BILL RECEIVED****SSB 1275      Rules and Administration**

Urging Iowa's leaders to gather input from Iowans for the purpose of reporting to the General Assembly policy and practice recommendations designed to improve the state's climate for creation of high-paying, high-technology, stable jobs.

**SUBCOMMITTEE ASSIGNMENTS****House File 745**

AGRICULTURE: Bartz, Chair; Fraise and Gaskill

**SSB 1275**

RULES AND ADMINISTRATION: No subcommittee assigned

**COMMITTEE REPORT****AGRICULTURE**

**Final Bill Action:** HOUSE FILE 745, a bill for an act regulating foot and mouth disease and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McLaren, Behn, Fraise, Angelo, Bartz, Black, Fiegen, Gaskill, Greiner, Kibbie, Sexton, Shearer, Soukup, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on May 2, 2001, attending a ceremony honoring my daughter as a State of Iowa scholar, when the votes were taken on Senate Joint Resolution 8 and amendments S-3583, S-3596, and S-3597 to Senate File 476. Had I been present, I would have voted "Nay" on all.

MERLIN E. BARTZ

### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution and 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 3rd day of May, 2001:

Senate Joint Resolution 3 and Senate Files 392, 410, 473, and 519.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AFTERNOON SESSION

The Senate reconvened at 1:09 p.m., Senator McKinley presiding.

## QUORUM CALL

Senator Redwine requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent, and a quorum present.

Senator Veenstra read a prayer written by the Reverend Billy Graham in observance of National Prayer Day.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 2001, **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 532**, a bill for an act relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date.

ALSO: That the House has on May 2, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 535**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents. (S-3632)

ALSO: That the House has on May 3, 2001, **adopted** the conference committee report **and passed Senate File 346**, a bill for an act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries.

ALSO: That the House has on May 3, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 524**, a bill for an act providing assistance regarding the development of grapes and wine.

ALSO: That the House has on May 3, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 349**, a bill for an act relating to the enterprise zone program by creating an eligible development business portion of the program, amending the incentives and assistance provisions available under the enterprise zone program, and providing a retroactive applicability date.

ALSO: That the House has on May 3, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 739**, a bill for an act relating to the application of sales and services tax receipts by a political subdivision to the payment of principal and interest of certain bonds.

Read first time and referred to committee on **Ways and Means**.

**House File 746**, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Read first time and attached to **similar Senate File 541**.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 47.

#### **Senate Resolution 47**

On motion of Senator Iverson, **Senate Resolution 47**, a Senate resolution recognizing and congratulating Quakerdale on 150 years of service, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 47, which motion prevailed by a voice vote.

### SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Iverson and Gronstal for their service to the Senate.

A Certificate of Excellence for serving with honor and distinction as a Senate Page during the 2001 Regular Session of the Seventy-ninth General Assembly and individual and Page group pictures were presented to each of the following Pages:

Eun Yung (Suzie) Ahn, Eric Bagley, Kendra Brown, Lauren Clayton, Kari Dummermuth, Christina Engel, Tim Gulbranson, Girija Mahajan, Melissa McCormick, Sean McGuire, Brendon Moe, Alison Monaghan, Lacey Oliver, Justin Schroeder, Alex Strittmatter, Haley Swedlund, and Esther Van Mersbergen.

The Senate rose and expressed its appreciation to the Pages.

Bill Kreig and Tom Sheldahl were invited to the Senate Well by the Senate Pages and presented with framed pictures of the 2001 Senate Pages.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 740.

#### **House File 740**

On motion of Senator Tinsman, **House File 740**, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Angelo took the chair at 1:53 p.m.

President Kramer asked and received unanimous consent that action on **House File 740** be **deferred**.

#### MOTION TO RECONSIDER WITHDRAWN

#### **Senate File 476**

Senator Kramer withdrew the motion to reconsider **Senate File 476**, a bill for an act relating to the establishment of a student achievement and teacher quality program, filed by her on May 2, 2001, and found on page 1468 of the Senate Journal.

The Senate stood at ease at 2:00 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:32 p.m., President Pro Tempore McKean presiding.

#### IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate File 476** be **immediately messaged** to the House.

#### SPECIAL GUESTS

Senator Jensen welcomed visiting firemen and firewomen from Eisenach, Germany. Eisenach is the Sister City of Waverly.

#### BUSINESS PENDING

#### **House File 740**

The Senate resumed consideration of **House File 740**, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs and the department of human services, and including effective date and retroactive applicability provisions, previously deferred.

Senator Hammond offered amendment S-3622, filed by her from the floor to page 5 of the bill, and moved its adoption.

Amendment S-3622 lost by a voice vote.

Senator Hammond offered amendment S-3624, filed by her from the floor to page 6 of the bill, and moved its adoption.

Amendment S-3624 was adopted by a voice vote.

Senator Hammond offered amendment S-3625, filed by Senators Hammond and Tinsman from the floor to pages 11, 12, and to the title page of the bill, and moved its adoption.

Amendment S-3625 was adopted by a voice vote.

Senator Holveck offered amendment S-3636, filed by him from the floor to page 6 of the bill, and moved its adoption.

Amendment S-3636 was adopted by a voice vote.

Senator Tinsman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 740), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **House File 740** be **immediately messaged** to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 211**, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship. (S-3634)

ALSO: That the House has on May 3, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 515**, a bill for an act providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates. (S-3633)

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 522.

### **Senate File 522**

On motion of Senator McKinley, **Senate File 522**, a bill for an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for

businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions, was taken up for consideration.

Senator McKinley offered amendment S-3631, filed by him from the floor striking everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3631 was adopted by a voice vote.

Senator McKinley asked and received unanimous consent that **House File 714** be **substituted** for **Senate File 522**.

### **House File 714**

On motion of Senator McKinley, **House File 714**, a bill for an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions, was taken up for consideration.

Senator McKinley offered amendment S-3630, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-3630 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that action on **House File 714** be **deferred**.

## UNFINISHED BUSINESS

### **House File 637**

On motion of Senator Rehberg, **House File 637**, a bill for an act relating to the responsibilities and duties of the department of education, area education agencies, and the commission of libraries, including the renaming of the regional library system, the

appointment of trustees for the unified library service area, and development of a biennial unified plan of service and service delivery in consultation with unified library service areas and area education agency media centers, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on April 12, 2001, was taken up for consideration.

Senator Rehberg offered amendment S-3306, filed by the committee on Education on April 5, 2001, to pages 5, 8, and 16 of the bill.

Senator Rehberg offered amendment S-3598, filed by her on May 1, 2001, to pages 1-3 of amendment S-3306, and moved its adoption.

Amendment S-3598 was adopted by a voice vote.

Senator Rehberg moved the adoption of amendment S-3306, as amended, which motion prevailed by a voice vote.

Senator Harper offered amendment S-3313, filed by Senator Harper, et al., on April 9, 2001, to page 6 of the bill, and moved its adoption.

Amendment S-3313 was adopted by a voice vote.

Senator Rehberg offered amendment S-3629, filed by her from the floor to pages 13 and 14 of the bill, and moved its adoption.

Amendment S-3629 was adopted by a voice vote.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal, until he returns, on request of Senator Hansen.

#### BUSINESS PENDING

### **House File 637**

The Senate resumed consideration of House File 637.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 637), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Gronstal

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **House File 637** be **immediately messaged** to the House.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 49**, by committee on Rules and Administration, a Senate resolution advising legislative service bureau of the reasons for the Senate's rejection of Senate File 540.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 28.

**Senate Concurrent Resolution 28**

On motion of Senator Boettger, **Senate Concurrent Resolution 28**, a concurrent resolution reminding Iowa's congressional delegation to fund the federal financial commitment to states, localities, and children with disabilities under the federal Individuals With Disabilities Education Act, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of Senate Concurrent Resolution 28, which motion prevailed by a voice vote.

COMMITTEE REPORT

**RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE RESOLUTION 49, a Senate resolution advising legislative service bureau of the reasons for the Senate's rejection of Senate File 540.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 1: Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for immediate consideration Senate Resolution 49.

**Senate Resolution 49**

On motion of Senator King, **Senate Resolution 49**, a Senate resolution advising legislative service bureau of the reasons for the Senate's rejection of Senate File 540, was taken up for consideration.

Senator Kibbie asked and received unanimous consent that action on **Senate Resolution 49** be **deferred**.

#### IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate Concurrent Resolution 28** be **immediately messaged** to the House.

#### RESOLUTION REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Resolution 49** be referred from the Regular Calendar to the committee on **State Government** and returned to the Senate Calendar by 5:15 p.m., Thursday, May 3, 2001.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 4:45 p.m. until 5:15 p.m.

#### EVENING SESSION

The Senate reconvened at 5:28 p.m., President Kramer presiding.

#### RESOLUTION RETURNED TO CALENDAR (Senate Resolution 49)

Pursuant to Senate Rule 13 and unanimous consent previously received by Senator Iverson on May 3, 2001, **Senate Resolution 49** was automatically returned to the Senate Regular Calendar from the committee on State Government at 5:15 p.m., Thursday, May 3, 2001.

#### HOUSE AMENDMENT DEFERRED

#### **Senate File 535**

Senator Redfern called up for consideration **Senate File 535**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the

state board of regents, amended by the House in House amendment S-3632, filed May 3, 2001.

(Action on Senate File 535 was deferred, House amendment S-3632 pending.)

The Senate stood at ease at 5:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:25 p.m., Senator Angelo presiding.

### QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent, and a quorum present.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McCoy and Shearer, until they return, on request of Senator Gronstal; and Senators McLaren and Miller, until they return, on request of Senator Freeman.

### BUSINESS PENDING

#### **House File 714**

The Senate resumed consideration of **House File 714**, a bill for an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions, previously deferred.

Senator McKinley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 714), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 18:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Soukup		

Absent or not voting, 4:

McCoy	McLaren	Miller	Shearer
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator McKinley asked and received unanimous consent that **Senate File 522** be **withdrawn** from further consideration of the Senate.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 740**, a bill for an act relating to the senior living program including provisions relating to and making appropriations from the senior living trust fund to the department of elder affairs

and the department of human services, and including effective date and retroactive applicability provisions.

ALSO: That the House has on May 3, 2001, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 480**, a bill for an act directing the department of education to establish a task force to conduct a comprehensive review of the licensing of community college faculty. (S-3640)

**Senate File 537**, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates. (S-3645)

ALSO: That the House has on May 3, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 736**, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state sales and use, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, and inheritance taxes, authorizing tax agreements with Indian tribes, and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

#### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 30**, by the committee on Rules and Administration, a concurrent resolution urging Iowa's leaders to gather input from Iowans for the purpose of reporting to the General Assembly policy and practice recommendations designed to improve the state's climate for creation of high-paying, high-technology, stable jobs.

Read first time and **placed on calendar**.

**Senate Resolution 50**, by committee on State Government, a Senate resolution advising legislative service bureau of the reasons for the Senate's rejection of Senate File 540.

Read first time and **placed on calendar**.

## BUSINESS PENDING

**Senate File 535**

The Senate resumed consideration of **Senate File 535**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, previously deferred (House amendment S-3632 pending).

President Kramer took the chair at 8:01 p.m.

Senator Harper offered amendment S-3644, filed by Senator Harper, et al., from the floor to pages 1 and 2 of House amendment S-3632, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3644 to House amendment S-3632 be adopted?" (S.F. 535), the vote was:

Ayes, 14:

Bolkcom	Dearden	Dvorsky	Fink
Gronstal	Hammond	Harper	Horn
Maddox	McCoy	Redfern	Rittmer
Soukup	Tinsman		

Nays, 35:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Deluhery	Drake
Fiegen	Flynn	Fraise	Freeman
Gaskill	Greiner	Hansen	Holveck
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
McKean	McKibben	McKinley	McLaren
Miller	Redwine	Rehberg	Schuerer
Sexton	Veenstra	Zieman	

Absent or not voting, 1:

Shearer

Amendment S-3644 lost.

Senator Holveck asked and received unanimous consent that action on House amendment S-3632 and **Senate File 535** be **deferred**.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 695**, a bill for an act relating to the school-to-career program.

### COMMITTEE REPORT

#### STATE GOVERNMENT

**Final Bill Action:** SENATE RESOLUTION 50, a Senate resolution advising legislative service bureau of the reasons for the Senate's rejection of Senate File 540.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: King, Lamberti, Drake, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, 6: Kibbie, Bolkcom, Connolly, Dearden, Deluhery, and Fink. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 50.

#### **Senate Resolution 50**

On motion of Senator King, **Senate Resolution 50**, a Senate resolution advising legislative service bureau of the reasons for the Senate's rejection of Senate File 540, was taken up for consideration.

Senator Gronstal offered amendment S-3647, filed by Senator Gronstal, 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-3647 be adopted?" (S.R. 50), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Maddox	McCoy	Shearer
Soukup			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-3647 lost.

Senator Dvorsky offered amendment S-3648, filed by Senator Dvorsky, et al., from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3648 be adopted?" (S.R. 50), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond

Hansen	Harper	Holveck	Horn
Kibbie	Maddox	McCoy	Shearer
Soukup			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, none.

Amendment S-3648 lost.

Senator King moved the adoption of Senate Resolution 50.

On the question "Shall the resolution be adopted?" (S.R. 50), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	McKean
McKibben	McKinley	McLaren	Miller
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Nays, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Maddox	McCoy	Shearer
Soukup			

Absent or not voting, none.

The motion prevailed and the resolution was adopted.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 714** be **immediately messaged** to the House.

## BUSINESS PENDING

**Senate File 535**

The Senate resumed consideration of **Senate File 535**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, and House amendment S-3632, previously deferred.

Senator Holveck offered amendment S-3650, filed by him from the floor to page 1 of House amendment S-3632.

Senator Holveck asked and received unanimous consent to withdraw amendment S-3650.

Senator Redfern moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Redfern moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 535), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, none.

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 515

Senator Gronstal called up for consideration **Senate File 515**, a bill for an act providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates, amended by the House, and moved that the Senate concur in House amendment S-3633, filed May 3, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Gronstal moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 515), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer

Sexton  
Veenstra

Shearer  
Zieman

Soukup

Tinsman

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 745.

**House File 745**

On motion of Senator Bartz, **House File 745**, a bill for an act regulating foot and mouth disease and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Bartz offered amendment S-3649, filed by Senator Bartz, et al., from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-3649 was adopted by a voice vote.

Senator Sexton offered amendment S-3646, filed by him from the floor to page 1 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 13, nays 31.

Amendment S-3646 lost.

Senator Sexton asked and received unanimous consent to withdraw amendment S-3642, filed by him from the floor to page 2 of the bill.

Senator Sexton asked and received unanimous consent to withdraw amendment S-3643, filed by him from the floor to page 2 of the bill.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Freeman.

### BUSINESS PENDING

### House File 745

The Senate resumed consideration of House File 745.

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. 745), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Sexton

Absent or not voting, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 2001, **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 732**, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates. (S-3651)

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 515** and **House File 745** be **immediately messaged** to the House.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### **House File 732**

Senator Veenstra called up for consideration **House File 732**, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-3651 to Senate amendment H-1855, filed May 3, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Veenstra 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. 732), the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	McLaren
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 20:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Absent or not voting, none.

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 480

Senator Redfern called up for consideration **Senate File 480**, a bill for an act directing the department of education to establish a task force to conduct a comprehensive review of the licensing of community college faculty, amended by the House, and moved that the Senate concur in House amendment S-3640, filed May 3, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Redfern moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 480), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, 1:

Harper

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Bartz asked and received unanimous consent that **Senate File 480** be **immediately messaged** to the House.

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 48, a Senate resolution recognizing the United States Seagoing Marine Association, and designating August 2001 as United States Seagoing Marines Month.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 1: Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 48.

**Senate Resolution 48**

On motion of Senator Drake, **Senate Resolution 48**, a Senate resolution recognizing the United States Seagoing Marine Association, and designating August 2001 as United States Seagoing Marines Month, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved the adoption of Senate Resolution 48, which motion prevailed by a voice vote.

COMMITTEE REPORT

**RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 22, a concurrent resolution requesting the legislative council to authorize the personal privacy issues study committee to continue deliberations during the 2001 legislative interim.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 1: Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 22.

**Senate Concurrent Resolution 22**

On motion of Senator Lundby, **Senate Concurrent Resolution 22**, a concurrent resolution requesting the legislative council to authorize the personal privacy issues study committee to continue deliberations

during the 2001 legislative interim, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of Senate Concurrent Resolution 22, which motion prevailed by a voice vote.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 29, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating the Iowa State Capitol as a symbol for the state of Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 1: Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 29.

### Senate Concurrent Resolution 29

On motion of Senator Jensen, **Senate Concurrent Resolution 29**, a concurrent resolution urging the Governor to appoint a commission to develop design proposals for Iowa's participation in the United States Mint's 50 State Quarters Program, and to direct the commission to develop designs incorporating the Iowa State Capitol as a symbol for the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Jensen moved the adoption of Senate Concurrent Resolution 29, which motion prevailed by a voice vote.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolutions 22 and 29** be **immediately messaged** to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 723**, a bill for an act exempting irrigation equipment from sales and use taxes, providing limited refunds, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on May 3, 2001, **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 670**, a bill for an act relating to nontraditional practitioner preparation instruction programs, including the licensure of individuals who are participating in or have successfully completed a program. (S-3653)

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soukup, until she returns, on request of Senator Gronstal.

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED

**House File 670**

Senator Boettger called up for consideration **House File 670**, a bill for an act relating to nontraditional practitioner preparation instruction programs, including the licensure of individuals who are participating in or have successfully completed a program, amended by the Senate in Senate amendment H-1937, and further amended by the House in House amendment S-3653, filed May 3, 2001.

The Senate stood at ease at 11:25 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:45 p.m., President Kramer presiding.

Senator Boettger moved that the Senate concur in the House amendment to the Senate amendment.

A nonrecord roll call was requested.

The ayes were 25, nays 23.

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Boettger 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. 670), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Greiner	Iverson
Jensen	Johnson	King	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Miller	Redwine

Rehberg  
Veenstra

Rittmer  
Zieman

Schuerer

Sexton

Nays, 22:

Black  
Deluhery  
Flynn  
Hammond  
Horn  
Shearer

Bolkcom  
Dvorsky  
Fraise  
Hansen  
Kibbie  
Tinsman

Connolly  
Fiegen  
Freeman  
Harper  
McCoy

Dearden  
Fink  
Gronstal  
Holveck  
Redfern

Absent or not voting, 2:

Lundby

Soukup

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:59 p.m. until 10:00 a.m. Monday, May 7, 2001.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

May 3, 2001

#### DEPARTMENT OF PERSONNEL

Annual Report for Fiscal Year 2000, pursuant to Iowa Code, section 19A.8.

### SIMILAR BILL RECEIVED

On May 3, 2001, **House File 746** was received and attached to similar **Senate File 541** on the Senate calendar.

## REPORTS OF COMMITTEE MEETINGS

### RULES AND ADMINISTRATION

**Convened:** May 3, 2001, 3:25 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean.

**Members Absent:** Rittmer (excused).

**Committee Business:** Passed SCRs 22 and 29, SR 48, and the resolution relating to the rejection of the plan for redistricting. Approved SSB 1275.

**Adjourned:** 3:30 p.m.

### STATE GOVERNMENT

**Convened:** May 3, 2001, 4:50 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Jensen, Maddox, McKean, Rittmer, and Sexton.

**Members Absent:** McLaren (excused).

**Committee Business:** Passed SR 50.

**Adjourned:** 5:19 p.m.

## SUBCOMMITTEE ASSIGNMENTS

### Senate Resolution 49

STATE GOVERNMENT: King, Chair; Kibbie and Lamberti

### House File 739

WAYS AND MEANS: Connolly, Chair; McKinley and Redwine

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 30 (SSB 1275), a concurrent resolution urging Iowa's leaders to gather input from Iowans for the purpose of reporting to the General Assembly policy and practice recommendations designed to improve the state's climate for creation of high-paying, high- technology, stable jobs.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, and McKean. Nays, none. Absent or not voting, 1: Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 3, 2001, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 344 – Restricting the exemption in the public records law for communications made to government bodies.

S.F. 354 – Relating to limitations on filing medical assistance claims against a decedent's estate.

S.F. 412 – Relating to the compulsory attendance age and attendance at school during the regular school calendar by a child who has reached the age of sixteen.

S.F. 418 – Relating to unemployment compensation by providing that social security pension payments are nondeductible from unemployment benefits and providing for coverage for employment by an Indian tribe.

## GOVERNOR'S VETO MESSAGE

May 3, 2001

The Honorable Mary Kramer  
President of the Senate  
State Capitol Building  
L O C A L

Dear President Kramer:

I hereby disapprove and transfer Senate File 222, an act relating to the statute of limitations in civil actions arising out of the unsafe or defective condition of an improvement to real property.

In 1980, Governor Ray vetoed legislation to establish a statute of repose for building and construction cases, citing a delicate balance between protecting potential victims and business interests. In articulating the rationale for his veto, Governor Ray commented that "it is the potential and actual harm to an innocent victim which I must judge against the arguments of the professional persons who would like to be protected against law suits after a limited period of time."

I share Governor Ray's concerns for protecting potential victims and appreciate that our legal system must provide these individuals with a forum to seek legal relief, should they be injured. Whether it is a neighbor who uses his savings for a new roof for the family farmhouse that later crumbles due to defective materials or a child who is injured due to a faulty fire and sprinkler system at his or her school, citizens deserve an avenue through which they may seek relief for their injuries. Unfortunately, I do not believe that all such injuries occur neatly within a 10 year window. I again echo Governor Ray's sentiments from his veto message when he stated, "I must think of those to whom circumstance has not yet brought loss of property, health or even life and who, if that loss occurs, would seek and yet find no avenue of recovery..."

Realizing the negative effect this bill may have on many of Iowa's consumers, homeowners, and businesses, I am unable to approve Senate File 222. A statute of repose stipulates the time period during which individuals may bring lawsuits for certain injuries or damages. Iowa law currently provides that an individual has 15 years to file suit for injuries or damages incurred due to unsafe or defective improvements to real property. Senate File 222 would reduce this time period from 15 to 10 years.

Our legal system, by its design, places the primary burden of proof on the party seeking relief for an injury or damages. To restrict further the time period during which individuals may pursue legal remedies for their damages would place many consumers and property owners at a heightened disadvantage in their efforts to seek redress. It should also be noted that the 10 year time period afforded individuals in Senate File 222 does not begin once they realize a construction defect or incur an injury. Rather, this time period begins from the date that the potential defendant commits the act or omission that later causes the injury or damages. This means that the clock begins to tick against the injured party even before the injured party may have realized a problem or suffered an injury.

While proponents of this bill argue that 10 years should provide ample time to document any problem or design defect, this time period may not be adequate. Construction and building professionals today design structures to last for decades, if not centuries. While some defects may arise in the first years after construction, others may not surface within a 10 year period of time. During consideration of Senate File 222, legislators heard from large numbers of homeowners and businesses stating that a 10 year statute of repose was too restrictive. As business building owners, corporate entities such as Principal Financial Group, Meredith Corporation, and Wells Fargo all expressed concern over reducing the statute of repose in these situations.

Supporters of SF 222 have also asserted that the statute of repose should be shortened to 10 years in order to bring Iowa more in line with other states' legislation. While some states do provide shorter time periods, they have also created exceptions to the statute in order to maintain consumer protection.

Legislators here considered exceptions to Iowa's statute of repose via amendments to Senate File 222. These exceptions would have removed the time limitation for filing suit where there are allegations of a contractor's intentional disregard of building codes, breach of express warranties, fraud, willful misconduct, or use of defective materials. Unfortunately, the General Assembly chose not to include any exceptions to the statute of repose, thus further limiting the legal rights of consumers who may fall victim to the misdeeds of others.

For the above reasons, I hereby respectfully disapprove Senate File 222.

Sincerely,  
THOMAS J. VILSACK  
Governor

## MOTIONS TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 535 passed the Senate on May 3, 2001.

JEFF LAMBERTI

MADAM PRESIDENT: I move to reconsider the vote by which House File 670 passed the Senate on May 3, 2001.

STEWART IVERSON, JR.

MADAM PRESIDENT: I move to reconsider the vote by which House File 732 passed the Senate on May 3, 2001.

JEFF LAMBERTI

## EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on May 1, 2001, when the votes were taken on the following: S-3591 to S-3583 to Senate File 476; House Files 712, 713, and 731; and S-3574, S-3577, S-3578, S-3580, and S-3581

to House File 732. Had I been present, I would have voted "aye." Also, I was necessarily absent from the Senate chamber on May 1, 2001, when the votes were taken on House Files 635 and 732. Had I been present, I would have voted "nay." In addition, I was necessarily absent from the Senate chamber on May 2, 2001, when the votes were taken on the following: House File 349; S-3596 to S-3583 to Senate File 476, S-3597 to S-3583 to Senate File 476, and S-3610 to S-3583 to Senate File 476; and the Motion to Reconsider House File 403. Had I been present, I would have voted "aye." Also, I was necessarily absent from the Senate chamber on May 2, 2001, when the votes were taken on the following: division S-3604B to S-3583 to Senate File 476; S-3583 to Senate File 476; Senate File 476; and House File 670. Had I been present, I would have voted "nay."

THOMAS FIEGEN

### AMENDMENTS FILED

S-3622	H.F.	740	Johnie Hammond
S-3623	H.F.	719	House
S-3624	H.F.	740	Johnie Hammond
S-3625	H.F.	740	Johnie Hammond Maggie Tinsman
S-3626	H.F.	742	Mike Connolly Robert E. Dvorsky Betty A. Soukup Thomas Fiegen Mark Shearer Patrick J. Deluhery
S-3627	H.F.	742	Mark Shearer Robert E. Dvorsky Betty A. Soukup Thomas Fiegen Patrick J. Deluhery
S-3628	H.F.	742	Jeff Lamberti
S-3629	H.F.	637	Kitty Rehberg
S-3630	H.F.	714	Paul McKinley
S-3631	S.F.	522	Paul McKinley
S-3632	S.F.	535	House
S-3633	S.F.	515	House
S-3634	S.F.	211	House
S-3635	S.F.	541	Jeff Lamberti
S-3636	H.F.	740	Jack Holveck
S-3637	H.F.	742	John W. Jensen
S-3638	H.F.	746	Tom Flynn Jeff Lamberti

S-3639	S.F.	542	John Redwine
S-3640	S.F.	480	House
S-3641	H.F.	746	Wally E. Horn John P. Kibbie Jack Holveck
S-3642	H.F.	745	Mike Sexton
S-3643	H.F.	745	Mike Sexton
S-3644	S.F.	535	Patricia Harper Robert E. Dvorsky Donald B. Redfern Joe Bolckom Johnie Hammond
S-3645	S.F.	537	House
S-3646	H.F.	745	Mike Sexton
S-3647	S.R.	50	Michael E. Gronstal Robert E. Dvorsky Bill Fink Patricia Harper Patrick J. Deluhery Tom Flynn Mike Connolly Jack Holveck Dick L. Dearden Thomas Fiegen Johnie Hammond John P. Kibbie Eugene S. Fraise Steven D. Hansen Mark Shearer Dennis H. Black Joe Bolckom Wally E. Horn Betty A. Soukup
S-3648	S.R.	50	Robert E. Dvorsky Joe Bolckom Patrick J. Deluhery Mike Connolly Johnie Hammond Tom Flynn Betty A. Soukup

S-3649	H.F. 745	Merlin E. Bartz Thomas Fiegen Ken Veenstra Sandra Greiner
S-3650	S.F. 535	Jack Holveck
S-3651	H.F. 732	House
S-3652	S.F. 542	Johnie Hammond
S-3653	H.F. 670	House

# JOURNAL OF THE SENATE

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ONE-HUNDRED TWENTIETH CALENDAR DAY  
SEVENTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, May 7, 2001

The Senate met in regular session at 10:10 a.m., President Pro Tempore McKean presiding.

Prayer was offered by Mary Lou Aspengren from Des Moines, clerk for Senator Bartz.

The Journal of Thursday, May 3, 2001, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 4, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 393**, a bill for an act relating to a petition to the court for a hearing on a criminal defendant's restitution plan.

**Senate File 520**, a bill for an act relating to the property tax exemption for methane gas and other gas conversion property and providing a retroactive applicability date and an effective date.

**Senate File 523**, a bill for an act relating to the size of an estate that may be distributed by affidavit, making related inheritance tax changes, and providing for the Act's applicability.

ALSO: That the House has on May 4, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 714**, a bill for an act relating to a community renewal initiative by establishing a community development program to provide tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to community development projects to aid certain neighborhoods and communities or contributing to child care benefits for employees and including effective and applicability date provisions.

ALSO: That the House has on May 4, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 755**, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

Read first time and attached to **similar Senate File 542**.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Connolly, until he arrives, on request of Senator Deluhery; Senator Dearden, until he arrives, on request of Senator Gronstal; and Senators King, McLaren, Miller, and Rittmer, until they arrive, on request of Senator Bartz.

#### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### **House File 719**

Senator Lundby called up for consideration, **House File 719**, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-3623 to Senate amendment H-1810, filed May 3, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Lundby 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. 719), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Deluhery	Drake	Freeman	Gaskill
Greiner	Iverson	Jensen	Johnson
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 17:

Black	Bolkcom	Dvorsky	Fiegen
Fink	Flynn	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup			

Absent or not voting, 6:

Connolly	Dearden	King	McLaren
Miller	Rittmer		

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 516

Senator McKibben called up for consideration **Senate File 516**, a bill for an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax and including a retroactive applicability date provision, amended by the House, and

moved that the Senate concur in House amendment S-3603, filed May 2, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McKibben moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 516), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Hansen	Iverson	Jensen	Johnson
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 16:

Black	Bolkcom	Deluhery	Dvorsky
Fiegen	Fink	Fraise	Gronstal
Hammond	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Present, 1:

Flynn

Absent or not voting, 6:

Connolly	Dearden	King	McLaren
Miller	Rittmer		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## RECESS

On motion of Senator Boettger, the Senate recessed at 10:30 a.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 11:37 a.m., Senator Bartz presiding.

RECESS

On motion of Senator Boettger, the Senate recessed at 11:38 a.m. until 1:30 p.m.

## APPENDIX

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Mrs. Sue Brock, Mormon Trail Community School — For your dedicated service to the Mormon Trail School District as a teacher and a principal. Your administration and friendship will be greatly missed. Senators Angelo and McKinley (05/07/01).

### SIMILAR BILL RECEIVED

On May 7, 2001, **House File 755** was received and attached to similar **Senate File 542** on the Senate calendar.

### REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 350, the following corrections were made:

1. Page 9, line 1, the words “traffic control” were changed to the words “traffic-control”.
2. Page 12, line 29, the words and numbers “Sections 101 and 102” were changed to the words and numbers “Sections 4 and 22”.

ALSO: That in enrolling Senate File 407, the following correction was made:

1. Page 4, line 29, the word “follow:” was changed to the word “follows:”.

ALSO: That in enrolling Senate File 525, the following correction was made:

1. Page 32, line 35, the words and numbers “ending June 30, 2001:” were changed to the words and numbers “ending June 30, 2002:”.

MICHAEL E. MARSHALL  
Secretary of the Senate

### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the

Speaker of the House, and presented to the Governor for his approval on this 7th day of May, 2001:

Senate Files 203, 350, 407, 525, and 526.

MICHAEL E. MARSHALL  
Secretary of the Senate

## REPORTS OF COMMITTEE MEETINGS

### COMMERCE

**Convened:** May 4, 2001, 12:01 a.m.

**Members Present:** Johnson, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bolkcom, Flynn, Freeman, Gronstal, Hansen, Jensen, King, Maddox, McCoy, Redfern, and Redwine.

**Members Absent:** Lundby (excused).

**Committee Business:** Passed HF 577 (as amended).

**Adjourned:** 12:57 a.m.

### WAYS AND MEANS

**Convened:** May 7, 2001, 10:40 a.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Redwine, and Rehberg.

**Members Absent:** Miller (excused).

**Committee Business:** Passed HFs 720, 723, 724, 736, and 739.

**Recessed:** 11:12 a.m.

**Reconvened:** 11:22 a.m.

**Adjourned:** 11:32 a.m.

## SUBCOMMITTEE ASSIGNMENTS

### House File 577

COMMERCE: Jensen, Chair; Deluhery, Gronstal, Johnson, and Redwine

**House File 723**

WAYS AND MEANS: Rehberg, Chair; Flynn and McKibben

**House File 736**

WAYS AND MEANS: Deluhery, Chair; McKibben and Rehberg

**COMMITTEE REPORTS****COMMERCE**

**Final Bill Action:** HOUSE FILE 577, a bill for an act relating to electric power generation and transmission, by addressing the criteria for construction of an electric generating facility; waivers; approval of power purchase contracts; management of regulated emissions from facilities fueled by coal; providing for the development of a state electric energy policy; providing for joint agreements for acquisition of ownership of a joint facility for electric power generation and transmission, and for the planning, financing, operation, and maintenance of the joint facility; providing for the bonding authority of electric power agencies; and making certain other changes and requirements related to electric generation and transmission.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3673.

**Final Vote:** Ayes, 8: Johnson, Schuerer, Freeman, Jensen, King, Maddox, Redfern, and Redwine. Nays, 6: Deluhery, Bolkcom, Flynn, Gronstal, Hansen, and McCoy. Absent or not voting, 1: Lundby.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**WAYS AND MEANS**

**Final Bill Action:** HOUSE FILE 720, a bill for an act relating to the taking of fish and game by increasing fees for nonresident hunting, fishing, fur harvesting, and related licenses, providing for additional licenses and fees, and providing effective and applicability dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 723, a bill for an act exempting irrigation equipment from sales and use taxes, providing limited refunds, and including effective and retroactive applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Lamberti, Maddox, Redwine, and Rehberg. Nays, 1: Holveck. Absent or not voting, 1: Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 724, a bill for an act relating to the allocation of special fees collected from the sale of Iowa heritage license plates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 736, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state sales and use, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, and inheritance taxes, authorizing tax agreements with Indian tribes, and including effective and applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 739, a bill for an act relating to the application of sales and services tax receipts by a political subdivision to the payment of principal and interest of certain bonds.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Redwine, and Rehberg. Nays, none. Absent or not voting, 1: Miller.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AFTERNOON SESSION

The Senate reconvened at 1:49 p.m., President Kramer presiding.

## QUORUM CALL

Senator Boettger requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

A moment of silence was observed by the Senate in memory of Elly Christensen who passed away earlier today and was the wife of Senate Doorkeeper Svend Christensen.

## IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate File 516** be **immediately messaged** to the House.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Holveck, until he returns, on request of Senator Hammond.

## HOUSE AMENDMENT CONSIDERED

**Senate File 98**

Senator Behn called up for consideration **Senate File 98**, a bill for an act concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster, amended by the House, and moved that the Senate concur in House amendment S-3612, filed May 2, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Behn moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed

upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 98), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Horn	Iverson	Jensen
Johnson	Kibbie	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Dearden	Holveck	King	McLaren
Miller			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

President Pro Tempore McKean took the chair at 2:10 p.m.

## HOUSE AMENDMENT CONSIDERED

### Senate File 537

Senator Kramer called up for consideration **Senate File 537**, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates, amended by the House in House amendment S-3645, filed May 3, 2001.

Senator Lundby offered amendment S-3655, filed by Senators Lundby, Kramer, and Lamberti from the floor to page 1 of House amendment S-3645, and moved its adoption.

Amendment S-3655 was adopted by a voice vote.

Senator Kramer 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 Kramer 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. 537), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Horn	Iverson	Jensen	Johnson
Kibbie	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	McLaren	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Dearden	Harper	Holveck	King
Miller			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 720 and 724.

## House File 720

On motion of Senator Drake, **House File 720**, a bill for an act relating to the taking of fish and game by increasing fees for nonresident hunting, fishing, fur harvesting, and related licenses, providing for additional licenses and fees, and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

President Kramer took the chair at 2:40 p.m.

Senator Black asked and received unanimous consent that action on **House File 720** be **deferred**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren, until he returns, on request of Senator Freeman.

## House File 724

On motion of Senator Flynn, **House File 724**, a bill for an act relating to the allocation of special fees collected from the sale of Iowa heritage license plates, with report of committee recommending passage, was taken up for consideration.

President Pro Tempore McKean took the chair at 3:00 p.m.

Senator Flynn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 724), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	Kramer

Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate Files 98** and **537** and **House File 724** be **immediately messaged** to the House.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Drake, Iverson, and Kramer, until they return, on request of Senator Jensen.

### CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 739, 723, and 736.

#### **House File 739**

On motion of Senator Connolly, **House File 739**, a bill for an act relating to the application of sales and services tax receipts by a political subdivision to the payment of principal and interest of certain bonds, with report of committee recommending passage, was taken up for consideration.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 739), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Freeman	Greiner	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Jensen	Johnson	Kibbie
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Nays, none.

Absent or not voting, 8:

Dearden	Drake	Gaskill	Iverson
King	Kramer	McLaren	Miller

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 723

On motion of Senator Rehberg, **House File 723**, a bill for an act exempting irrigation equipment from sales and use taxes, providing limited refunds, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 723), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Drake	Fiegen	Flynn	Freeman
Gaskill	Greiner	Iverson	Jensen
Johnson	Kramer	Lamberti	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Nays, 18:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup	Tinsman		

Absent or not voting, 5:

Dearden	King	Lundby	McLaren
Miller			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 736

On motion of Senator Deluhery, **House File 736**, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state sales and use, real estate transfer, environmental protection charge on petroleum diminution, property, motor fuel, special fuel, and inheritance taxes, authorizing tax agreements with Indian tribes, and including effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 736), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery

Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Jensen
Johnson	Kibbie	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 6:

Dearden	Iverson	King	Kramer
McLaren	Miller		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **House Files 723** and **736** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS (Deferred April 23, 2001)

#### House File 687

The Senate resumed consideration of **House File 687**, a bill for an act relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation, and amendment S-3384, deferred April 23, 2001.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-3384.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-3392, filed by him on April 18, 2001, to page 10 of the bill.

With the withdrawal of amendment S-3384, the Chair ruled the following amendments out of order:

S-3495, filed by Senator Deluhery on April 25, 2001, to page 1 of amendment S-3384;

S-3496, filed by Senator Bolkcom on April 25, 2001, to page 1 of amendment S-3384;

S-3497, filed by Senator Bolkcom on April 25, 2001, to page 1 of amendment S-3384;

S-3498, filed by Senator Dvorsky on April 25, 2001, to page 1 of amendment S-3384;

S-3499, filed by Senator Dvorsky on April 25, 2001, to page 1 of amendment S-3384;

S-3500, filed by Senator Dvorsky on April 25, 2001, to page 1 of amendment S-3384;

S-3501, filed by Senator Dvorsky on April 25, 2001, to page 1 of amendment S-3384;

S-3502, filed by Senator Fink on April 25, 2001, to page 1 of amendment S-3384;

S-3503, filed by Senator Connolly on April 25, 2001, to page 1 of amendment S-3384;

S-3504, filed by Senator McCoy on April 25, 2001, to page 1 of amendment S-3384;

S-3505, filed by Senator McCoy on April 25, 2001, to page 1 of amendment S-3384;

S-3506, filed by Senator Gronstal on April 25, 2001, to page 1 of amendment S-3384;

S-3507, filed by Senator Black on April 25, 2001, to page 1 of amendment S-3384;

S-3508, filed by Senator Hammond on April 25, 2001, to page 1 of amendment S-3384;

S-3509, filed by Senator Black on April 25, 2001, to page 1 of amendment S-3384;

S-3510, filed by Senator Harper on April 25, 2001, to page 1 of amendment S-3384;

S-3511, filed by Senator Hansen on April 25, 2001, to page 1 of amendment S-3384;

S-3512, filed by Senator Connolly on April 25, 2001, to page 1 of amendment S-3384;

S-3513, filed by Senator Connolly on April 25, 2001, to page 1 of amendment S-3384;

S-3514, filed by Senator McCoy on April 25, 2001, to page 1 of amendment S-3384;

S-3515, filed by Senator Gronstal on April 25, 2001, to page 1 of amendment S-3384;

S-3516, filed by Senator Gronstal on April 25, 2001, to page 1 of amendment S-3384; and

S-3517, filed by Senator Fink on April 25, 2001, to page 1 of amendment S-3384.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 687), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 5:

Dearden	King	Kramer	McLaren
Miller			

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 687** be **immediately messaged** to the House.

The Senate stood at ease at 3:34 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:00 p.m., President Kramer presiding.

### QUORUM CALL

Senator Boettger requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent, and a quorum present.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 542.

#### **Senate File 542**

On motion of Senator Lamberti, **Senate File 542**, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Lamberti offered amendment S-3654, filed by him from the floor striking everything after the enacting clause of the bill, and moved its adoption.

Amendment S-3654 was adopted by a voice vote.

With the adoption of amendment S-3654, the Chair ruled the following amendments out of order:

S-3639, filed by Senator Redwine on May 3, 2001, to page 9 of the bill; and

S-3652, filed by Senator Hammond on May 3, 2001, to page 9 of the bill.

Senator Lamberti asked and received unanimous consent that **House File 755** be **substituted** for **Senate File 542**.

### **House File 755**

On motion of Senator Lamberti, **House File 755**, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Lamberti asked and received unanimous consent that action on **House File 755** be **deferred**.

### RECESS

On motion of Senator Iverson, the Senate recessed at 5:18 p.m. until 6:00 p.m.

### EVENING SESSION

The Senate reconvened at 6:07 p.m., President Kramer presiding.

### QUORUM CALL

Senator McKean requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent, and a quorum present.

### BUSINESS PENDING

### **House File 755**

The Senate resumed consideration of **House File 755**, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions, previously deferred.

Senator Connolly offered amendment S-3665, filed by Senator Connolly, et al., from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3665 be adopted?” (H.F. 755), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	McKinley	Shearer	Soukup

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Dearden	King	Miller
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Amendment S–3665 lost.

Senator McCoy offered amendment S–3667, filed by Senator McCoy, et al., from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3667 be adopted?” (H.F. 755), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen

Harper	Holveck	Horn	Kibbie
McCoy	McKean	Shearer	Soukup

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3667 lost.

Senator Shearer offered amendment S-3670, filed by Senator Shearer, et al., from the floor to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3670 be adopted?" (H.F. 755), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3670 lost.

Senator Harper offered amendment S-3668, filed by Senator Harper, et al., from the floor to page 3, of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3668 be adopted?" (H.F. 755), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3668 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he returns, on request of Senator McKibben.

### BUSINESS PENDING

## House File 755

The Senate resumed consideration of House File 755.

Senator Flynn offered amendment S-3663, filed by Senator Flynn, et al., from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3663 be adopted?" (H.F. 755), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hansen	Holveck
Horn	Kibbie	McCoy	Rehberg
Shearer	Soukup	Zieman	

Nays, 26:

Angelo	Bartz	Boettger	Drake
Freeman	Gaskill	Greiner	Hammond
Harper	Iverson	Jensen	Johnson
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rittmer	Schuerer	Sexton
Tinsman	Veenstra		

Absent or not voting, 5:

Behn	Dearden	King	McLaren
Miller			

Amendment S-3663 lost.

Senator Fink offered amendment S-3666, filed by Senator Fink, et al., from the floor to pages 3 and 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3666 be adopted?" (H.F. 755), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn

Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	Tinsman

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Veenstra	Zieman	

Absent or not voting, 3:

Dearden	King	Miller
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Amendment S-3666 lost.

Senator Bolcom offered amendment S-3669, filed by Senator Bolcom, et al., 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-3669 be adopted?" (H.F. 755), the vote was:

Ayes, 20:

Black	Bolcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gaskill	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Shearer	Soukup

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Greiner	Iverson
Jensen	Johnson	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Dearden                      King                      McLaren                      Miller

Amendment S-3669 lost.

President Pro Tempore McKean took the chair at 7:56 p.m.

Senator Lamberti offered amendment S-3681, filed by him from the floor to pages 6, 7, and 9 of the bill, and moved its adoption.

Amendment S-3681 was adopted by a voice vote.

Senator Lamberti offered amendment S-3679, filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3679 be adopted?" (H.F. 755), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden                      King                      Miller

Amendment S-3679 was adopted.

Senator Hansen offered amendment S-3683, filed by him from the floor to page 9 of the bill, and moved its adoption.

Amendment S-3683 lost by a voice vote.

Senator Redwine offered amendment S-3657, filed by him from the floor to page 9 of the bill, and moved its adoption.

Amendment S-3657 was adopted by a voice vote.

Senator Hansen offered amendment S-3664, filed by him from the floor to page 9 of the bill.

Senator Hansen asked and received unanimous consent to withdraw amendment S-3664.

Senator Flynn offered amendment S-3682, filed by Senator Flynn, et al., from the floor to pages 13 and 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3682 be adopted?" (H.F. 755), the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black
Boettger	Deluhery	Drake	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hansen	Horn
Iverson	Jensen	Johnson	Kibbie
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
McLaren	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 7:

Bolkcom	Connolly	Dvorsky	Fink
Hammond	Harper	Holveck	

Absent or not voting, 3:

Dearden	King	Miller
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Amendment S-3682 was adopted.

President Kramer took the chair at 8:40 p.m.

Senator Hansen offered amendment S-3684, filed by him from the floor to page 13 of the bill.

Senator Hansen withdrew amendment S-3684.

Senator Johnson offered amendment S-3674, filed by her from the floor to page 15 of the bill, and moved its adoption.

Amendment S-3674 was adopted by a voice vote.

Senator Hammond offered amendment S-3656, filed by her from the floor to pages 15 and 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3656 be adopted?" (H.F. 755), the vote was:

Ayes, 5:

Bolkcom	Dvorsky	Hammond	Harper
Holveck			

Nays, 42:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Deluhery	Drake
Fiegen	Fink	Flynn	Fraise
Freeman	Gaskill	Greiner	Gronstal
Hansen	Horn	Iverson	Jensen
Johnson	Kibbie	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	McLaren	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra	Zieman		

Absent or not voting, 3:

Dearden	King	Miller
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Amendment S-3656 lost.

Senator Lamberti offered amendment S-3680, filed by him from the floor to page 16 of the bill, and moved its adoption.

Amendment S-3680 was adopted by a voice vote.

Senator Holveck offered amendment S-3671, filed by Senator Holveck, et al., from the floor to page 28 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3671 be adopted?" (H.F. 755), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 3:

Dearden	King	Miller
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Amendment S-3671 lost.

Senator Deluhery offered amendment S-3672, filed by Senator Deluhery, et al., from the floor to page 28 of the bill.

Senator Lamberti raised the point of order that amendment S-3672 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3672 out of order.

Senator Bartz offered amendment S-3690, filed by him from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-3690 lost by a voice vote.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 755), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	McLaren	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Nays, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Absent or not voting, 3:

Dearden	King	Miller
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 755** be **immediately messaged** to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 579**, a bill for an act relating to the administration and management of the department of personnel.

ALSO: That the House has on May 7, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 413**, a bill for an act making an appropriation and establishing a teacher compensation reform and student achievement savings account fund.

Read first time and referred to committee on **Appropriations**.

## RECESS

On motion of Senator Iverson, the Senate recessed at 9:36 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 9:39 p.m., President Kramer presiding.

## WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 542** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 727.

## House File 727

On motion of Senator Greiner, **House File 727**, a bill for an act relating to county mental health, mental retardation, and developmental disabilities services provisions involving capital expenditures and the funding pools in the property tax relief fund for such services expenditures and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Greiner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 727), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	McLaren
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden	King	Miller
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Richard J. Varn, as Director of the Information Technology Department, placed on the Individual Confirmation Calendar on March 22, 2001, and deferred by Senate Resolution 37 on April 12, 2001.

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Jensen	Johnson
Kibbie	Kramer	Lamberti	Lundby
Maddox	McCoy	McLaren	Redfern
Redwine	Rehberg	Rittmer	Shearer
Soukup	Tinsman	Veenstra	

Nays, 8:

Greiner	Iverson	McKean	McKibben
McKinley	Schuerer	Sexton	Zieman

Absent or not voting, 3:

Dearden	King	Miller
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 541.

#### **Senate File 541**

On motion of Senator Lamberti, **Senate File 541**, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations, was taken up for consideration.

Senator Lamberti offered amendment S-3635, filed by him on May 3, 2001, to pages 3–5, 12, and 13 of the bill, and moved its adoption.

Amendment S-3635 was adopted by a voice vote.

Senator Lamberti asked and received unanimous consent that **House File 746 be substituted for Senate File 541.**

### House File 746

On motion of Senator Lamberti, **House File 746**, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations, was taken up for consideration.

Senator Flynn offered amendment S-3658, filed by him from the floor striking everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3658 be adopted?" (H.F. 746), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	Lundby
McCoy	Redfern	Shearer	Soukup

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Present, 1:

Fiegen

Absent or not voting, 3:

Dearden	King	Miller
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Amendment S-3658 lost.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-3688, filed by him from the floor to pages 6-10 of the bill.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-3675, filed by Senator Dvorsky, et al., from the floor to page 6, 8, and 10 of the bill.

Senator Horn offered amendment S-3641, filed by Senators Horn, Kibbie, and Holveck on May 3, 2001, to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3641 be adopted?" (H.F. 746), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	DeLuhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	Shearer	Soukup

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	McLaren	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 3:

Dearden	King	Miller
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Amendment S-3641 lost.

Senator Flynn asked and received unanimous consent to withdraw amendment S-3638, filed by Senators Flynn and Lamberti on May 3, 2001, to page 12 of the bill.

Senator Lamberti offered amendment S-3660, filed by him from the floor to pages 12 and 13 of the bill, and moved its adoption.

Amendment S-3660 was adopted by a voice vote.

With the adoption of amendment S-3660, the Chair ruled amendment S-3661, filed by Senators Flynn and Lamberti from the floor to page 12 of the bill, out of order.

Senator Lamberti offered amendment S-3692, filed by him from the floor to pages 6-10 of the bill, and moved its adoption.

Amendment S-3692 was adopted by a voice vote.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 746), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Kibbie	Lundby
McCoy	Shearer	Soukup	

Present, 1:

Fiegen

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 541** be **withdrawn** from further consideration of the Senate.

#### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 727** and **746** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:27 p.m. until 9:00 a.m. Tuesday, May 8, 2001.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### RULES AND ADMINISTRATION

**Convened:** May 7, 2001, 9:38 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, McKean, and Rittmer.

**Members Absent:** Johnson (excused).

**Committee Business:** Passed SRs 43 and 44.

**Adjourned:** 9:40 p.m.

### COMMITTEE REPORTS

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 43, a Senate resolution urging the Iowa Department of Education's program, Regional Autism Services program, to continue compiling and maintaining yearly records regarding individuals with autism and related disorders.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Johnson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 44, a Senate resolution recognizing Don "Skip" Meisner upon his retirement.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, McKean, and Rittmer. Nays, none. Absent or not voting, 1: Johnson.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### MOTIONS TO RECONSIDER FILED

MADAM PRESIDENT: I move to reconsider the vote by which House File 719 passed the Senate on May 7, 2001.

JEFF LAMBERTI

MADAM PRESIDENT: I move to reconsider the vote by which House File 739 passed the Senate on May 7, 2001.

MIKE CONNOLLY

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 7, 2001, the Governor approved and transmitted to the Secretary of State the following resolution and bills:

S.J.R. 3 – Authorizing the sixth judicial district department of correctional services to extend a lease-purchase agreement and providing an effective date.

S.F. 392 – Relating to appeals filed in juvenile court proceedings.

S.F. 473 – Concerning regulated industries under the jurisdiction of the commissioner of insurance relating to various issues relating to insurance, relating to the regulation of securities, by defining the terms "agent" and "security", providing registration requirements, providing for disciplinary actions, imposing fees and civil penalties, providing for testimony and the production of evidence, authorizing cooperation with law enforcement entities, providing criminal penalties, and eliminating reporting requirements, and relating to cemetery and funeral merchandise and funeral services, establishing permit and purchase agreement requirements, establishing and appropriating fees, and providing administration, enforcement, and liquidation procedures, and penalties.

S.F. 519 – Relating to the assessment for property tax purposes of certain affordable housing for low-income individuals and families.

## GOVERNOR'S VETO MESSAGE

May 7, 2001

The Honorable Mary Kramer  
President of the Senate  
State Capitol Building  
L O C A L

Dear President Kramer:

I hereby transmit Senate File 410, an Act relating to the application of certain air quality requirements to indoor emission units or air contaminant sources.

I am unable to approve Senate File 410. The original intent of this bill was to clarify Iowa Code Section 455B.135 by specifying the Iowa Department of Natural Resources does not have the authority to require air quality permits for equipment that is not vented outside a building. The purpose of this proposed action was to avoid

undue burden on businesses and industries. I support this concept and worked to develop a bill that met that intent.

Unfortunately, Senate File 410 as passed by the Iowa General Assembly contains language that is ambiguous, causing confusion in the interpretation of the bill even among members of the House and Senate. The definitions of "general ventilation" and "directly vented" are unclear and subject to misinterpretation. The result of this bill, if it were enacted, would be inconsistent regulation of air emissions even from the exact same sources and less certainty about permitting requirements. In addition, it is not possible to write rules that could be implemented without clarification of the definition of those terms.

The Department of Natural Resources is involved in discussions with business and industry to develop rules based on current law that provide the business community the information it needs to achieve compliance, increase predictability in regulation requirements, and reduce the overall burden. Supporters of this bill from business and industry have suggested this goal may be achievable by means other than this bill. I expect these discussions will continue to build consensus on rules thereby avoiding the need for additional legislation. Otherwise, I am willing to work on legislation next year that specifies the requirements for air quality permits and reduces the uncertainty and additional costs incurred by Iowa's businesses and industries.

For the above reasons, I hereby respectfully disapprove Senate File 410.

Sincerely,  
THOMAS J. VILSACK  
Governor

### AMENDMENTS FILED

S-3654	S.F.	542	Jeff Lamberti
S-3655	S.F.	537	Mary A. Lundby Mary E. Kramer Jeff Lamberti
S-3656	H.F.	755	Johnie Hammond
S-3657	H.F.	755	John Redwine
S-3658	H.F.	746	Tom Flynn
S-3659	H.F.	742	Jeff Lamberti
S-3660	H.F.	746	Jeff Lamberti
S-3661	H.F.	746	Tom Flynn Jeff Lamberti
S-3662	H.F.	742	Jeff Lamberti
S-3663	H.F.	755	Tom Flynn Patrick J. Deluhery Mike Connolly Thomas Fiegen Mark Shearer

			Steven D. Hansen
			Michael E. Gronstal
			Dennis H. Black
			Robert E. Dvorsky
			Matt McCoy
			Bill Fink
			John P. Kibbie
			Joe Bolkcom
			Betty A. Soukup
			Wally E. Horn
			Eugene S. Fraise
S-3664	H.F.	755	Steven D. Hansen
S-3665	H.F.	755	Mike Connolly
			Thomas Fiegen
			Mark Shearer
			Jack Holveck
			Michael E. Gronstal
			Steven D. Hansen
			Robert E. Dvorsky
			Matt McCoy
			Patricia Harper
			John P. Kibbie
			Johnie Hammond
			Wally E. Horn
			Eugene S. Fraise
S-3666	H.F.	755	Bill Fink
			Joe Bolkcom
			Patrick J. Deluhery
			Mike Connolly
			Tom Flynn
			Thomas Fiegen
			Mark Shearer
			Jack Holveck
			Dennis H. Black
			John P. Kibbie
			Betty A. Soukup
			Michael E. Gronstal
			Robert E. Dvorsky
			Matt McCoy
			Patricia Harper
			Johnie Hammond

S-3667	H.F. 755	Wally E. Horn Eugene S. Fraise Matt McCoy Jack Holveck Patricia Harper Johnie Hammond Bill Fink Joe Bolkom Mike Connolly Patrick J. Deluhery Tom Flynn Thomas Fiegen Mark Shearer John P. Kibbie Dennis H. Black Betty A. Soukup Michael E. Gronstal Robert E. Dvorsky Eugene S. Fraise Wally E. Horn
S-3668	H.F. 755	Steven D. Hansen Patricia Harper Johnie Hammond Matt McCoy Jack Holveck Mark Shearer Thomas Fiegen Patrick J. Deluhery Mike Connolly Joe Bolkom Bill Fink John P. Kibbie Betty A. Soukup Wally E. Horn
S-3669	H.F. 755	Eugene S. Fraise Joe Bolkom Mike Connolly Patrick J. Deluhery Thomas Fiegen Mark Shearer Jack Holveck

			Betty A. Soukup
			Robert E. Dvorsky
			Matt McCoy
			Patricia Harper
			Michael E. Gronstal
			Steven D. Hansen
			John P. Kibbie
			Johnie Hammond
			Wally E. Horn
			Eugene S. Fraise
S-3670	H.F.	755	Mark Shearer
			Jack Holveck
			Patricia Harper
			Bill Fink
			Joe Bolkcom
			Mike Connolly
			Patrick J. Deluhery
			John P. Kibbie
			Thomas Fiegen
			Johnie Hammond
			Betty A. Soukup
			Michael E. Gronstal
			Wally E. Horn
			Eugene S. Fraise
S-3671	H.F.	755	Jack Holveck
			John P. Kibbie
			Patricia Harper
			Johnie Hammond
			Mark Shearer
			Bill Fink
			Betty A. Soukup
			Michael E. Gronstal
			Wally E. Horn
			Eugene S. Fraise
S-3672	H.F.	755	Patrick J. Deluhery
			John P. Kibbie
			Mike Connolly
			Joe Bolkcom
			Bill Fink
			Johnie Hammond
			Patricia Harper

			Matt McCoy
			Robert E. Dvorsky
			Michael E. Gronstal
			Betty A. Soukup
			Dennis H. Black
			Jack Holveck
			Mark Shearer
			Thomas Fiegen
			Steven D. Hansen
			Wally E. Horn
			Eugene S. Fraise
S-3673	H.F.	577	Commerce
S-3674	H.F.	755	JoAnn Johnson
S-3675	H.F.	746	Robert E. Dvorsky
			Joe Bolkcom
			Johnie Hammond
			Patricia Harper
S-3676	H.F.	742	Michael E. Gronstal
S-3677	H.F.	742	John W. Jensen
S-3678	H.F.	742	Jeff Lamberti
S-3679	H.F.	755	Jeff Lamberti
S-3680	H.F.	755	Jeff Lamberti
S-3681	H.F.	755	Jeff Lamberti
S-3682	H.F.	755	Tom Flynn
			Kitty Rehberg
			Jerry Behn
			Ken Veenstra
			Jeff Lamberti
S-3683	H.F.	755	Steven D. Hansen
S-3684	H.F.	755	Steven D. Hansen
S-3685	H.F.	577	JoAnn Johnson
S-3686	H.F.	577	Michael E. Gronstal
			Steven D. Hansen
			Betty A. Soukup
			John P. Kibbie
			Jack Holveck
			Johnie Hammond
			Patricia Harper
			Bill Fink
			Joe Bolkcom
			Mike Connolly

			Matt McCoy
			Patrick J. Deluhery
			Tom Flynn
			Eugene S. Fraise
			Wally E. Horn
S-3687	H.F. 577		Mary Lou Freeman
			Mary A. Lundby
			Joe Bolkom
			Jack Holveck
			Andy McKean
			Bill Fink
			Michael E. Gronstal
			John P. Kibbie
			Derryl McLaren
			E. Thurman Gaskill
			Betty A. Soukup
S-3688	H.F. 746		Jeff Lamberti
S-3689	H.F. 577		JoAnn Johnson
S-3690	H.F. 755		Merlin E. Bartz
S-3691	H.F. 577		JoAnn Johnson
S-3692	H.F. 746		Jeff Lamberti
S-3693	H.F. 742		Bill Fink

# JOURNAL OF THE SENATE

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ONE-HUNDRED TWENTY-FIRST CALENDAR DAY  
SEVENTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, May 8, 2001

The Senate met in regular session at 9:07 a.m., President Kramer presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

The Journal of Monday, May 7, 2001, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 30, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 737**, a bill for an act providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date.

Read first time and attached to **companion Senate File 538**.

ALSO: That the House has on May 7, 2001, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 198**, a bill for an act relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision.

**Senate File 543**, a bill for an act making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class “D” felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties.

ALSO: That the House has on May 7, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 687**, a bill for an act relating to government accountability, by providing for strategic planning, performance measurement and reporting, performance audits, performance contracting, return on investment, and oversight, and providing for its implementation.

**House File 745**, a bill for an act regulating foot and mouth disease and providing an effective date.

ALSO: That the House has on May 7, 2001, **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 537**, a bill for an act relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates.

ALSO: That the House has on May 7, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 476**, a bill for an act relating to the establishment of a student achievement and teacher quality program. (S-3694)

ALSO: That the House has on May 8, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 637**, a bill for an act relating to the responsibilities and duties of the department of education, area education agencies, and the commission of libraries, including the renaming of the regional library system, the appointment of trustees for the unified library service area, and development of a biennial unified plan of

service and service delivery in consultation with unified library service areas and area education agency media centers.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McLaren, for the remainder of the session, on request of Senator Jensen; Senator Dearden, for the remainder of the session, on request of Senator Gronstal; and Senators King and Miller, for the remainder of the session, on request of Senator Bartz.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 211

Senator Greiner called up for consideration **Senate File 211**, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, amended by the House, and moved that the Senate concur in House amendment S-3634, filed May 3, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Greiner moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 211), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Iverson
Jensen	Johnson	Kibbie	Kramer
Lamberti	Lundby	McCoy	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton

Shearer                      Soukup                      Tinsman                      Veenstra  
Zieman

Nays, none.

Absent or not voting, 5:

Dearden                      King                      Maddox                      McLaren  
Miller

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS  
(Deferred May 7, 2001)

**House File 720**

The Senate resumed consideration of **House File 720**, a bill for an act relating to the taking of fish and game by increasing fees for nonresident hunting, fishing, fur harvesting, and related licenses, providing for additional licenses and fees, and providing effective and applicability dates, deferred May 7, 2001.

Senator Black asked and received unanimous consent that action on **House File 720** be **deferred**.

The Senate stood at ease at 9:27 a.m. until the fall of the gavel.

The Senate resumed session at 9:47 a.m., President Kramer presiding.

MOTION TO RECONSIDER WITHDRAWN

**House File 739**

Senator Connolly withdrew the motion to reconsider House File 739, a bill for an act relating to the application of sales and services tax receipts by a political subdivision to the payment of principal and interest of certain bonds, filed by him on May 7, 2001, and found on page 1560 of the Senate Journal.

## IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **House File 739** be **immediately messaged** to the House.

## BUSINESS PENDING

**House File 720**

The Senate resumed consideration of **House File 720**, a bill for an act relating to the taking of fish and game by increasing fees for nonresident hunting, fishing, fur harvesting, and related licenses, providing for additional licenses and fees, and providing effective and applicability dates, previously deferred.

Senator Black offered amendment S-3695, filed by him from the floor striking everything after the enacting clause and to the title page of the bill.

Senator Black asked and received unanimous consent that action on amendment S-3695 and **House File 720** be **deferred**.

## SPECIAL GUESTS

Senator Boettger welcomed to the Senate Chamber Major General Gennady Ivanovich Bakharev, Head of the Ministry of Emergency Management for the Rostov Region, Russia. The General hosted a group of National Guard members and Emergency Management staff from Iowa last September. He was accompanied by several members of his staff and by the Director of the Emergency Management Agency for Stavropol, the sister state to Iowa. They are visiting to learn about Iowa's ability to respond to emergencies and disasters.

Major General Bakharev addressed the Senate with brief remarks. He presented President Kramer a vase made by Rostov artists, portraying a scene from the Rostov Region.

The Senate rose and expressed its welcome.

## BUSINESS PENDING

**House File 720**

The Senate resumed consideration of **House File 720**, a bill for an act relating to the taking of fish and game by increasing fees for nonresident hunting, fishing, fur harvesting, and related licenses, providing for additional licenses and fees, and providing effective and applicability dates, and amendment S-3695, previously deferred.

Senator Black moved the adoption of amendment S-3695.

A record roll call was requested.

On the question "Shall amendment S-3695 be adopted?" (H.F. 720), the vote was:

Ayes, 15:

Black	Bolkcom	Dvorsky	Fiegen
Fink	Fraise	Gronstal	Hammond
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 31:

Angelo	Bartz	Behn	Boettger
Connolly	Deluhery	Drake	Flynn
Freeman	Gaskill	Greiner	Hansen
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3695 lost.

Senator Black offered amendment S-3696, filed by him from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3696 be adopted?” (H.F. 720), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Dvorsky
Fiegen	Fink	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	McCoy	Shearer
Soukup			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Deluhery	Drake	Flynn	Freeman
Gaskill	Greiner	Iverson	Jensen
Johnson	Kramer	Lamberti	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 5:

Dearden	King	Lundby	McLaren
Miller			

Amendment S-3696 lost.

Senator Black offered amendment S-3697, 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-3697 be adopted?” (H.F. 720), the vote was:

Ayes, 18:

Angelo	Black	Bolkcom	Connolly
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Harper	Holveck
Horn	Kibbie	McCoy	McKinley
Shearer	Soukup		

Nays, 28:

Bartz	Behn	Boettger	Deluhery
Drake	Flynn	Freeman	Gaskill
Greiner	Hansen	Iverson	Jensen

Johnson	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3697 lost.

Senator Drake moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 720), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Lundby	McCoy	Shearer	Soukup

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 211** and **House File 720** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 742.

**House File 742**

On motion of Senator Jensen, **House File 742**, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

(Action on House File 742 was deferred.)

The Senate stood at ease at 11:08 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:52 a.m., President Kramer presiding.

## QUORUM CALL

Senator McKean requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent, and a quorum present.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 746**, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

**House File 755**, a bill for an act relating to public expenditure and regulatory matters, making and reducing appropriations, and including effective date and retroactive applicability provisions.

## BUSINESS PENDING

### House File 742

The Senate resumed consideration of **House File 742**, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection

fund, making related statutory changes, and providing effective dates, previously deferred.

Senator Lamberti offered amendment S-3613, filed by him on May 2, 2001, to pages 1, 3-10, 15, 17, and to the title page of the bill.

Senator Dvorsky offered amendment S-3621, filed by Senator Dvorsky, et al., on May 2, 2001, to pages 1, 4, and 11 of amendment S-3613, and moved its adoption.

Amendment S-3621 lost by a voice vote.

Senator Fink offered amendment S-3693, filed by him on May 7, 2001, to pages 1 and 6 of amendment S-3613, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3693 to amendment S-3613 be adopted?" (H.F. 742), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Maddox	McCoy	Shearer	Soukup

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3693 lost.

Senator Lamberti offered amendment S-3628, filed by him on May 3, 2001, to page 2 of amendment S-3613, and moved its adoption.

Amendment S-3628 was adopted by a voice vote.

Senator Dvorsky offered amendment S-3617, filed by him on May 2, 2001, to page 2 of amendment S-3613, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3617 to amendment S-3613 be adopted?" (H.F. 742), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3617 lost.

Senator Jensen asked and received unanimous consent to withdraw amendment S-3637, filed by him on May 3, 2001, to page 3 of amendment S-3613.

Senator Jensen offered amendment S-3677, filed by him on May 7, 2001, to page 3 of amendment S-3613, and moved its adoption.

Amendment S-3677 was adopted by a voice vote.

Senator Lamberti offered amendment S-3699, filed by him from the floor to pages 3, 7, and 8 of amendment S-3613.

Senator Fraise called for the following division of amendment S-3699:

Division S-3699A: Page 1, lines 4-33; and

Division S-3699B: Page 1, lines 34-50; and page 2, lines 1-17.

Senator Lamberti asked and received unanimous consent that action on divisions S-3699A and S-3699B be deferred.

Senator Black offered amendment S-3702, filed by Senators Black, Kibbie, and Flynn from the floor to page 4 of amendment S-3613, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3702 to amendment S-3613 be adopted?" (H.F. 742), the vote was:

Ayes, 20:

Black	Bolkcom	Connolly	DeLuhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
Maddox	McKean	Shearer	Soukup

Nays, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	McCoy	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3702 lost.

Senator Gronstal offered amendment S-3676, filed by him on May 7, 2001, to page 7 of amendment S-3613, and moved its adoption.

Amendment S-3676 was adopted by a voice vote.

Senator Lamberti offered amendment S-3700, filed by him from the floor to page 7 of amendment S-3613, and moved its adoption.

Amendment S-3700 was adopted by a voice vote.

Senator Lamberti asked and received unanimous consent to withdraw amendment S-3659, filed by him on May 7, 2001, to pages 10 and 11 of amendment S-3613.

Senator Lamberti offered amendment S-3662, filed by him on May 7, 2001, to pages 10 and 11 of amendment S-3613, and moved its adoption.

Amendment S-3662 was adopted by a voice vote.

Senator Lamberti offered amendment S-3703, filed by him from the floor to page 11 of amendment S-3613, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3703 to amendment S-3613 be adopted?" (H.F. 742), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn
Fraise	Gronstal	Hammond	Hansen

Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3703 was adopted.

Senator Lamberti offered amendment S-3678, filed by him on May 7, 2001, to page 11 of amendment S-3613, and moved its adoption.

Amendment S-3678 was adopted by a voice vote.

Senator Deluhery offered amendment S-3704, filed by him from the floor to page 7 of amendment S-3613.

Senator Deluhery withdrew amendment S-3704.

The Senate resumed consideration of division S-3699A to amendment S-3613, previously deferred.

Senator Lamberti asked and received unanimous consent that action on divisions S-3699A and S-3699B and amendment S-3613 continue to be deferred.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-3609, filed by Senators Dvorsky and Fraise on May 2, 2001, to page 1 of the bill.

Senator Connolly offered amendment S-3626, filed by Senator Connolly, et al., on May 3, 2001, to pages 2, 3, 9, and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3626 be adopted?" (H.F. 742), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Flynn

Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	Maddox	McKean
McKibben	McKinley	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Absent or not voting, 4:

Dearden	King	McLaren	Miller
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Amendment S-3626 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Flynn, for the remainder of the session, on request of Senator Fraise.

### BUSINESS PENDING

### House File 742

The Senate resumed consideration of House File 742.

Senator Shearer offered amendment S-3627, filed by Senator Shearer, et al., on May 3, 2001, to pages 3, 5, 9, 15, and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3627 be adopted?" (H.F. 742), the vote was:

Ayes, 17:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Harper	Holveck

Horn Soukup	Kibbie	McCoy	Shearer
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Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Hansen	Iverson	Jensen	Johnson
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 5:

Dearden Miller	Flynn	King	McLaren
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Amendment S-3627 lost.

Senator Fink asked and received unanimous consent to withdraw amendment S-3618, filed by Senator Fink, et al., on May 2, 2001, to pages 8 and 13 of the bill.

Senator Lundby offered amendment S-3606, filed by her on May 2, 2001, to pages 10 and 11 of the bill.

President Pro Tempore McKean took the chair at 1:33 p.m.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, until she returns, on request of Senator Freeman.

#### BUSINESS PENDING

#### House File 742

The Senate resumed consideration of House File 742.

Senator Lundby moved the adoption of amendment S-3606.

A record roll call was requested.

On the question “Shall amendment S-3606 be adopted?” (H.F. 742), the vote was:

Ayes, 20:

Angelo	Bartz	Behn	Freeman
Gaskill	Gronstal	Horn	Iverson
Jensen	Johnson	Kramer	Lamberti
Lundby	McCoy	McKean	McKinley
Redfern	Rittmer	Shearer	Tinsman

Nays, 24:

Black	Boettger	Bolkcom	Connolly
Deluhery	Drake	Dvorsky	Fiegen
Fink	Fraise	Hammond	Hansen
Harper	Holveck	Kibbie	Maddox
McKibben	Redwine	Rehberg	Schuerer
Sexton	Soukup	Veenstra	Zieman

Absent or not voting, 6:

Dearden	Flynn	Greiner	King
McLaren	Miller		

Amendment S-3606 lost.

Senator Soukup offered amendment S-3620, filed by Senator Soukup, et al., on May 2, 2001, to pages 12 and 13 of the bill.

President Kramer took the chair at 2:15 p.m.

Senator Soukup moved the adoption of amendment S-3620.

Amendment S-3620 lost by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kibbie, until he returns, on request of Senator Fraise.

## BUSINESS PENDING

**House File 742**

The Senate resumed consideration of House File 742.

Senator Black offered amendment S-3619, filed by Senator Black, et al., on May 2, 2001, to page 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3619 be adopted?" (H.F. 742), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Bartz	Black	Bolkcom	Connolly
Deluhery	Dvorsky	Fiegen	Fink
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	McCoy
McKean	Shearer	Soukup	

Nays, 25:

Angelo	Behn	Boettger	Drake
Freeman	Gaskill	Greiner	Iverson
Jensen	Johnson	Kramer	Lamberti
Lundby	Maddox	McKibben	McKinley
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Tinsman	Veenstra
Zieman			

Absent or not voting, 6:

Dearden	Flynn	Kibbie	King
McLaren	Miller		

Amendment S-3619 lost.

Senator Greiner offered amendment S-3607, filed by her on May 2, 2001, to page 14 of the bill, and moved its adoption.

Amendment S-3607 was adopted by a voice vote.

Senator Connolly offered amendment S-3605, filed by him on May 2, 2001, to pages 15, 16, and to the title page of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S-3605 be deferred.

The Senate resumed consideration of amendment S-3613 and divisions S-3699A and S-3699B, previously deferred.

Senator Lamberti moved the adoption of division S-3699A.

A record roll call was requested.

On the question "Shall division S-3699A to amendment S-3613 be adopted?" (H.F. 742), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Maddox	McCoy
Shearer	Soukup		

Absent or not voting, 6:

Dearden	Flynn	Kibbie	King
McLaren	Miller		

Division S-3699A was adopted.

Senator Lamberti moved the adoption of division S-3699B to amendment S-3613, which motion prevailed by a voice vote.

Senator McCoy offered amendment S-3706, filed by him from the floor to page 3 of amendment S-3613.

Senator McCoy asked and received unanimous consent to withdraw amendment S-3706.

Senator Lamberti moved the adoption of amendment S-3613, as amended, which motion prevailed by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment S-3605, previously deferred.

Senator Jensen offered amendment S-3705, filed by him from the floor to page 3 of the bill, and moved its adoption.

Amendment S-3705 was adopted by a voice vote.

Senator Iverson asked and received unanimous consent that action on **House File 742** be **deferred**.

#### RECESS

On motion of Senator Iverson, the Senate recessed at 3:10 p.m. until the completion of a meeting of the committee on Appropriations.

#### RECONVENED

The Senate reconvened at 3:33 p.m., President Kramer presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen, until he returns, on request of Senator McKean.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 538.

#### **Senate File 538**

On motion of Senator Harper, **Senate File 538**, a bill for an act providing an Iowa individual income tax checkoff for deposit in the

keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date, was taken up for consideration.

Senator Connolly asked and received unanimous consent to withdraw amendment S-3575, filed by him on April 30, 2001, to page 2 and to the title page of the bill.

Senator Harper asked and received unanimous consent that **House File 737** be **substituted** for **Senate File 538**.

### **House File 737**

On motion of Senator Harper, **House File 737**, a bill for an act providing an Iowa individual income tax checkoff for deposit in the keep Iowa beautiful fund, making an appropriation, and providing a retroactive applicability date, was taken up for consideration.

Senator Harper moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 737), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Johnson
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra	Zieman	

Nays, none.

Absent or not voting, 7:

Dearden	Flynn	Jensen	Kibbie
King	McLaren	Miller	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Harper asked and received unanimous consent that **Senate File 538** be **withdrawn** from further consideration of the Senate.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2001, **adopted** the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 2**, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

ALSO: That the House has on May 8, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 486**, a bill for an act relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses.

## IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **House File 737** be **immediately messaged** to the House.

## BUSINESS PENDING

**House File 742**

The Senate resumed consideration of **House File 742**, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and

making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates, previously deferred.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 742), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Lundby	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Connolly	Deluhery
Dvorsky	Fiegen	Fink	Fraise
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Maddox	McCoy
Shearer	Soukup		

Absent or not voting, 6:

Dearden	Flynn	Kibbie	King
McLaren	Miller		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 742** be **immediately messaged** to the House.

## COMMITTEE REPORT

### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 413, a bill for an act making an appropriation and establishing a teacher compensation reform and student achievement savings account fund.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 23: Lamberti, Kramer, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, 2: Flynn and King.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 413.

### House File 413

On motion of Senator Redfern, **House File 413**, a bill for an act making an appropriation and establishing a teacher compensation reform and student achievement savings account fund, with report of committee recommending passage, was taken up for consideration.

President Pro Tempore McKean took the chair at 3:55 p.m.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 413), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Fraise	Freeman	Gaskill	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Iverson	Jensen	Johnson

Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Redfern	Redwine	Schuerer	Shearer
Soukup	Tinsman	Veenstra	

Nays, 5:

Greiner	Rehberg	Rittmer	Sexton
Zieman			

Absent or not voting, 6:

Dearden	Flynn	Kibbie	King
McLaren	Miller		

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 476

Senator Kramer called up for consideration **Senate File 476**, a bill for an act relating to the establishment of a student achievement and teacher quality program, amended by the House, and moved that the Senate concur in House amendment S-3694, filed May 8, 2001.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kramer 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. 476), the vote was:

Ayes, 29:

Angelo	Bartz	Behn	Boettger
Connolly	Drake	Freeman	Gaskill
Greiner	Gronstal	Iverson	Jensen
Johnson	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Redfern	Redwine	Rehberg	Rittmer

Schuerer Zieman	Sexton	Tinsman	Veenstra
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Nays, 15:

Black	Bolkcom	Deluhery	Dvorsky
Fiegen	Fink	Fraise	Hammond
Hansen	Harper	Holveck	Horn
McCoy	Shearer	Soukup	

Absent or not voting, 6:

Dearden	Flynn	Kibbie	King
McLaren	Miller		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## RECESS

On motion of Senator Iverson, the Senate recessed at 4:33 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 4:35 p.m., President Kramer presiding.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 476** and **House File 413** be **immediately messaged** to the House.

## CONSIDERATION OF RESOLUTIONS

(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolutions 43 and 44.

### Senate Resolution 43

On motion of Senator Horn, **Senate Resolution 43**, a Senate resolution urging the Iowa Department of Education's program, Regional Autism Services program, to continue compiling and

maintaining yearly records regarding individuals with autism and related disorders, with report of committee recommending passage, was taken up for consideration.

Senator Horn moved the adoption of Senate Resolution 43, which motion prevailed by a voice vote.

#### **Senate Resolution 44**

On motion of Senator Hansen, **Senate Resolution 44**, a Senate resolution recognizing Don “Skip” Meisner upon his retirement, with report of committee recommending passage, was taken up for consideration.

Senator Hansen moved the adoption of Senate Resolution 44, which motion prevailed by a voice vote.

### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 31**, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

**Senate Resolution 51**, by committee on Rules and Administration, a Senate resolution relating to daily operations of the Senate.

Read first time and **placed on calendar**.

President Pro Tempore McKean took the chair at 4:45 p.m.

President Kramer took the chair at 4:59 p.m.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2001, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 531**, 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. (S-3708)

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 51, a Senate resolution relating to daily operations of the Senate.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 51.

### Senate Resolution 51

On motion of Senator Iverson, **Senate Resolution 51**, a Senate resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 51, which motion prevailed by a voice vote.

The Senate stood at ease at 5:02 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:44 p.m., President Kramer presiding.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2001, **adopted** the following resolutions in which the concurrence of the House was asked:

**Senate Joint Resolution 7**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

**Senate Joint Resolution 8**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Connolly, until he returns, on request of Senator Deluhery.

## HOUSE AMENDMENT CONSIDERED

**Senate File 531**

Senator Schuerer called up for consideration **Senate File 531**, 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, amended by the House in House amendment S-3708, filed May 8, 2001.

Senator Soukup offered amendment S-3709, filed by Senator Soukup, et al., from the floor to page 3 of House amendment S-3708.

Senator Schuerer raised the point of order that amendment S-3709 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3709 out of order.

Senator Schuerer moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schuerer moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 531), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Iverson	Jensen	Johnson	Kramer
Lamberti	Maddox	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Nays, 18:

Black	Bolkcom	Deluhery	Dvorsky
Fiegen	Fink	Fraise	Gronstal
Hammond	Hansen	Harper	Holveck
Horn	Kibbie	Lundby	McCoy
Shearer	Soukup		

Absent or not voting, 6:

Connolly	Dearden	Flynn	King
McLaren	Miller		

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2001, **adopted** the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 26**, a concurrent resolution requesting that the Attorney General of the State of Iowa vigorously enforce Iowa corporate farming law which prohibits processors from owning, controlling, or operating a feedlot in Iowa in which hogs or cattle are fed for slaughter.

ALSO: That the House has on May 8, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 742**, a bill for an act relating to and making appropriations from the rebuild Iowa infrastructure fund to state departments and agencies, including the department of corrections, the department of cultural affairs, the department of economic development, the department of general services, the Iowa state fair foundation, the legislative council, the department of natural resources, the department of public defense, the department of public safety, the state board of regents, the state department of transportation, and the office of treasurer of state, and making appropriations from the environment first fund for environmental purposes to the department of agriculture and land stewardship, the department of economic development, the department of natural resources, the state department of transportation, and the Iowa resources enhancement and protection fund, making related statutory changes, and providing effective dates.

ALSO: That the House has on May 8, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 39**, a concurrent resolution to provide for adjournment sine die.

Read first time and attached to **companion Senate Concurrent Resolution 31**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 531** be **immediately messaged** to the House.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 31, a concurrent resolution to provide for adjournment sine die.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 31.

#### **Senate Concurrent Resolution 31**

On motion of Senator Iverson, **Senate Concurrent Resolution 31**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 39** be **substituted** for **Senate Concurrent Resolution 31**.

#### **House Concurrent Resolution 39**

On motion of Senator Iverson, **House Concurrent Resolution 39**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 39, which motion prevailed by a voice vote.

## WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 31** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 39** be **immediately messaged** to the House.

## APPENDIX

### COMPANION RESOLUTION RECEIVED

On May 8, 2001, **House Concurrent Resolution 39** was received and attached to companion **Senate Concurrent Resolution 31** on the Senate calendar.

### COMPANION BILL RECEIVED

On May 8, 2001, **House File 737** was received and attached to companion **Senate File 538** on the Senate calendar.

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Michael Wallace, Chariton — For receiving the Young Executive Achievement Award from the Iowa Hospital Association. Senator McKinley (05/08/01).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** May 8, 2001, 3:12 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** Flynn, Ranking Member; and King (both excused).

**Committee Business:** Passed HF's 413 and 698.

**Adjourned:** 3:20 p.m.

#### RULES AND ADMINISTRATION

**Convened:** May 8, 2001, 4:33 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed SCR 31 and SR 51.

**Adjourned:** 4:34 p.m.

## INTRODUCTION OF BILLS

**Senate File 544**, by Holveck, Dearden, Hammond, and Bolkcom, a bill for an act requiring disclosure of information on the use of tax revenues for economic development purposes.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 545**, by Holveck, a bill for an act relating to insurance, by providing for third-party payor liability for health care treatment decisions, prohibiting certain acts by third-party payors, and providing a statutory definition for medical necessity relating to the external review process for health care coverage decisions, and containing an applicability provision.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 546**, by Holveck, a bill for an act relating to an energy efficiency improvement tax credit for individual income tax purposes and including an effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 544**

WAYS AND MEANS: McKibben, Chair; Connolly and McKinley

### **Senate File 545**

COMMERCE: Johnson, Chair; Deluhery and Schuerer

### **Senate File 546**

WAYS AND MEANS: McKibben, Chair; Flynn and Maddox

**House File 413**

APPROPRIATIONS: Redfern, Chair; Connolly and Lamberti

**REPORTS OF THE SECRETARY OF THE SENATE**

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 140, the following corrections were made:

1. Page 2, line 34, the words and numbers "Sections 1 through 4A, 5 and 7" were changed to the words and numbers "Sections 1 through 6 and 8".
2. Page 3, line 2, the word and number "Section 6" were changed to the word and number "Section 7".

ALSO: That in enrolling Senate File 458, the following correction was made:

1. Page 15, line 10, the word and number "Section 100" were changed to the word and number "Section 23".

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of May, 2001:

Senate Files 140, 339, 346, 393, and 458.

MICHAEL E. MARSHALL  
Secretary of the Senate

**COMMITTEE REPORT****APPROPRIATIONS**

**Final Bill Action:** HOUSE FILE 698, a bill for an act providing appropriations for certain temporary staffing for the Iowa utilities board and consumer advocate prior to assessment of such staffing expenses to utilities.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 23: Lamberti, Kramer, Angelo, Behn, Black, Bolkom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, Lundby, McKibben,

Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none.  
Absent or not voting, 2: Flynn and King.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### AMENDMENTS FILED

S-3694	S.F.	476	House
S-3695	H.F.	720	Dennis H. Black
S-3696	H.F.	720	Dennis H. Black
S-3697	H.F.	720	Dennis H. Black
S-3698	H.F.	696	Jerry Behn
S-3699	H.F.	742	Jeff Lamberti
S-3700	H.F.	742	Jeff Lamberti
S-3701	H.F.	577	JoAnn Johnson
S-3702	H.F.	742	Dennis H. Black John P. Kibbie Tom Flynn
S-3703	H.F.	742	Jeff Lamberti
S-3704	H.F.	742	Patrick J. Deluhery
S-3705	H.F.	742	John W. Jensen
S-3706	H.F.	742	Matt McCoy
S-3707			(Number not used.)
S-3708	S.F.	531	House
S-3709	S.F.	531	Betty A. Soukup Dennis H. Black Jack Holveck Mark Shearer Thomas Fiegen Patrick J. Deluhery Mike Connolly Eugene S. Fraise Wally E. Horn Matt McCoy Bill Fink Johnie Hammond Steven D. Hansen Joe Bolkcom Patricia Harper Michael E. Gronstal Robert E. Dvorsky

The Senate stood at ease at 6:30 p.m. until the fall of the gavel.

The Senate resumed session, President Kramer presiding.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 26, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 527**, a bill for an act relating to and making appropriations to the judicial branch.

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 530**, a bill for an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 2001, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 718**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, making related statutory changes, and providing effective dates.

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 521**, a bill for an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

## REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 476, the following correction was made:

1. Page 17, line 31, the number “16” was changed to the number “17”.

ALSO: That in enrolling Senate File 527, the following correction was made:

1. Page 4, line 30, a dash was inserted in place of the hyphen between the words “FUND–JUDICIAL”.

ALSO: That in enrolling Senate File 530, the following correction was made:

1. Page 1, line 11, a colon was added after the word “positions.”

ALSO: That in enrolling Senate File 537, the following corrections were made:

1. Page 3, line 13, quotation marks were added before and after the letters “aa”.
2. Page 3, line 26, a section symbol was added after the letters “U.S.C.”

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following resolutions and bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of May, 2001:

Senate Joint Resolutions 7 and 8, and Senate Files 81, 98, 198, 211, 470, 476, 480, 486, 499, 515, 516, 520, 521, 523, 524, 527, 528, 530, 531, 532, 535, 537, and 543.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS REFERRED TO COMMITTEE FROM CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 4, the following resolutions and bills remaining on the Senate calendar upon adjournment of the 2001 session will be removed from the calendar and referred back to the committee to which they were originally assigned:

S.C.R.	15	Rules and Administration
S.C.R.	16	Human Resources

S.C.R.	30	Rules and Administration
S.R.	24	Rules and Administration
S.R.	25	Rules and Administration
S.R.	27	Rules and Administration
S.R.	28	Rules and Administration
S.R.	30	Rules and Administration
S.R.	39	Rules and Administration
S.R.	42	Rules and Administration
S.R.	49	State Government
S.F.	59	Ways and Means
S.F.	105	State Government
S.F.	353	Human Resources
S.F.	375	State Government
S.F.	399	Human Resources
S.F.	417	Judiciary
S.F.	467	State Government
S.F.	491	Business and Labor Relations
S.F.	496	Commerce
S.F.	504	Local Government

MICHAEL E. MARSHALL  
Secretary of the Senate

### BILLS ASSIGNED TO COMMITTEE

President Kramer announced the assignment of the following bills to committee:

H.F.	519	Judiciary
H.F.	630	State Government
H.F.	696	Business and Labor Relations

### FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to Senate Rule 24, the following motions to reconsider, which remained on the Senate calendar upon the adjournment of the 2001 Regular Session of the Seventy-ninth General Assembly, were determined to have **failed**:

**Senate File 81**, a bill for an act relating to limitations on the disbursement of economic development financial assistance moneys

by state agencies. (Senate passed April 24, 2001.) Motion filed by Senator Lundby on April 24, 2001.

**Senate File 535**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents. (Senate passed May 3, 2001.) Motion filed by Senator Lamberti on May 3, 2001.

**House File 670**, a bill for an act relating to nontraditional practitioner preparation instruction programs, including the licensure of individuals who are participating in or have successfully completed a program. (Senate passed May 3, 2001.) Motion filed by Senator Iverson on May 3, 2001.

**House File 719**, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing an effective date. (Senate passed May 7, 2001.) Motion filed by Senator Lamberti on May 7, 2001.

**House File 725**, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, providing for fees, and providing an effective date. (Senate passed April 27, 2001.) Motion filed by Senator Lamberti on April 27, 2001.

**House File 732**, a bill for an act relating to appropriations for the department of human services and including other provisions and appropriations involving human services and health care, and providing effective dates. (Senate passed May 3, 2001.) Motion filed by Senator Lamberti on May 3, 2001.

#### COMMITTEE TO NOTIFY THE GOVERNOR

Senator Iverson moved that a committee be appointed to notify the Governor that the Senate was ready to adjourn sine die in accordance with House Concurrent Resolution 39.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Iverson and Kramer.

#### COMMITTEE TO NOTIFY THE HOUSE

Senator Iverson moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with House Concurrent Resolution 39.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Iverson and Kramer.

#### 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 Kramer 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 Iverson reported that the committee appointed to notify the Governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

#### FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 39, duly adopted, the day of May 8, 2001, having arrived, President Kramer declared the 2001 Regular Session of the Seventy-ninth General Assembly adjourned sine die.

## MESSAGE FROM THE GOVERNOR

June 14, 2001

The Honorable Brent Siegrist  
Speaker of the House  
State Capitol  
Des Moines, IA 50319

The Honorable Mary Kramer  
President of the Senate  
State Capitol  
Des Moines, IA 50319

Speaker Siegrist and President Kramer,

The one shining light in this legislative session was the full funding of our new teacher compensation/student achievement plan. This package is a truly revolutionary approach to training and compensating teachers, and ensuring that Iowa schoolchildren get the very best possible education. Nowhere else has this been done on a statewide basis. It makes us national leaders and it has important and very positive consequences for public education and workforce development in our state.

We understand that some teachers are nervous about this program. It does represent a fundamental change. We are convinced that we can make this new plan work in a way that serves teachers, students, and parents.

We are hopeful the special legislative session schedule for June 19 will consider legislative action that was left incomplete at the end of the regular session. In addition to redistricting, I urge lawmakers to maintain the operations of Iowa's rural workforce development centers, to provide the option for community colleges to raise additional revenue to meet their obligations, and to provide for additional in-state electric power generation.

Sincerely,  
THOMAS J. VILSACK  
Governor

SENATE BILLS APPROVED, ITEM VETOED,  
AND VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2001 Regular Session:

S.J.R. 7 – Authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation. Approved May 18.

S.J.R. 8 – Authorizing the temporary use and consumption of wine in the State Capitol at a dinner held in conjunction with a national educational program relating to food safety and genetic engineering organized by the State Legislative Leaders Foundation and Iowa State University. Approved May 18.

S.F. 81 – Relating to limitations on the disbursement of economic development financial assistance moneys by state agencies. Approved May 22.

S.F. 98 – Concerning unemployment compensation by relieving unemployment compensation charges for employees who become unemployed due to a presidentially declared disaster and providing effective and retroactive applicability dates. Approved May 25.

S.F. 140 – Updating the Iowa Code references to the Internal Revenue Code, increasing the minimum filing income requirement for dependents, increasing the estimated tax payment standard for assessing a penalty for corporations and financial institutions, and providing retroactive applicability dates and an effective date. Approved May 16.

S.F. 198 – Relating to family investment program requirements regarding the time period allowed for supported postsecondary education assistance and including an applicability provision. Approved May 16.

S.F. 203 – Relating to certain school finance provisions and providing an effective date. Approved May 9.

S.F. 211 – Relating to the powers and duties of the department of agriculture and land stewardship. Approved May 16.

S.F. 339 – Relating to scheduled fines for hunting and fishing violations. Approved May 16.

S.F. 346 – Relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for the creation of a new criminal offense with a correctional impact, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for inmate donations for victims' travel expenses, and for transcription and recording of testimony for certain investigations conducted by the department of corrections. Approved May 16.

S.F. 350 – Making transportation-related Code changes relating to temporary restricted permits and temporary entry and exit permits, commercial vehicle certificates of title, flat registration fees for older vehicles, railroad crossings, the content of driver's licenses and nonoperator's identification cards, child restraint devices in motor vehicles, hours of service, unsatisfied judgments, and bulk liquid transport and providing an effective date. Approved May 16.

S.F. 393 – Relating to a petition to the court for a hearing on a criminal defendant's restitution plan. Approved May 16.

S.F. 407 – Relating to the regulatory authority and procedures of the department of natural resources by providing for the issuance of limited quota licenses and the issuance of licenses and permits by electronic means. Approved May 16.

S.F. 458 – Relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, and termination of parental rights. Approved May 16.

S.F. 470 – Relating to the regulation of infectious and contagious diseases in animals, and providing for penalties. Approved May 16.

S.F. 476 – Relating to the establishment of a student achievement and teacher quality program and providing for contingent effectiveness. Approved May 23.

S.F. 480 – Directing the department of education to establish a task force to conduct a comprehensive review of the licensing of community college faculty. Approved May 18.

S.F. 486 – Relating to the assessment of a law enforcement initiative surcharge on certain criminal offenses. Approved June 1.

S.F. 499 – Making changes to and reorganizing scheduled fines. Approved May 16.

S.F. 515 – Providing for the crossing of railroad rights-of-way by public utilities, and providing applicability dates. Approved May 16.

S.F. 520 – Relating to the property tax exemption for methane gas and other gas conversion property and providing a retroactive applicability date and an effective date. Approved May 16.

S.F. 523 – Relating to the size of an estate that may be distributed by affidavit, making related inheritance tax changes, and providing for the Act's applicability. Approved May 16.

S.F. 524 – Providing assistance regarding the development of grapes and wine and providing for tax revenue and an appropriation. Approved May 23.

S.F. 525 – Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated. Approved May 24.

S.F. 526 – Excluding certain business property from being considered abandoned property under the state's disposition of unclaimed property law. Approved May 21.

S.F. 527 – Relating to and making appropriations to the judicial branch. Approved May 24.

S.F. 528 – Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and general services, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, and discontinuing driver's license renewal by mail. Approved May 24.

S.F. 532 – Relating to matters related to the tobacco settlement including the tobacco settlement authority, the tobacco settlement trust fund, and the tobacco settlement endowment fund, and providing an effective date. Approved May 29.

S.F. 537 – Relating to and making appropriations from the tobacco settlement endowment fund and the healthy Iowans tobacco trust, establishing certain uses for the appropriations, and providing effective dates. Approved May 30.

S.F. 543 – Making changes to criminal sentences by permitting an aggravated misdemeanor charge for certain burglary in the third degree criminal offenses, by creating a sentence of a determinate term of confinement and an additional indeterminate term of years for certain class "D" felonies, by extending the length of time for reconsideration of certain felony sentences, and providing penalties. Approved May 30.

## GOVERNOR'S ITEM VETO MESSAGES

May 30, 2001

The Honorable Chester Culver  
Secretary of State  
Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 530, an act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

Senate File 530 is a bill I approve with great reluctance. Much of the progress made in the area of safe communities just last year has been eliminated. This will no doubt have a negative impact on the safety of the citizens of this state. The reductions of recently authorized narcotics agents, who along with other law enforcement personnel are on the front lines in this state fighting the battle of illegal drug markets, have been eliminated. Reductions in operational funding of criminal laboratory personnel as well as general criminal operations comes at a time when the processing of criminal evidence and turnaround time is at a critical threshold. Delays and impacts will be felt through out our criminal justice system. The magnitude of the reductions in the Iowa State Patrol will impact the safe travel and timely response to those in

need while using our roads. This comes at a time when our roads are carrying the greatest volume of traffic ever!

Within the Department of Corrections budget, many efforts to reduce the demand for future prison growth, implemented during the previous legislative session have also been eliminated or greatly curtailed. The reduction of funding for new drug courts will continue the cycle of the nonviolent drug offenders. The previous legislative work of adding new Community Based Corrections client supervision personnel, whose funding was severely reduced in this bill, will not only impact the safety of citizens in this state, but these short sighted decisions, as implemented, will also over burden an all ready understaffed Community Based Corrections system. Community Based Corrections will be very hard pressed not to impact even further the growing prison population, which has in the month of May, hit the highest level of incarceration in Iowa history. These demands will test and stretch beyond the level of reasonableness our correctional institutions resources given the general fund reduction of over \$6.0 million in funding from the previous year.

Additionally, under-funding in the area of the Indigent Defense legal representation system is also a budget decision that will no-doubt need to be revisited during the next fiscal year. As quoted in the Des Moines Register editorial of 5/16/01 "The state public defenders' office, either with public defenders or private lawyers, must provide legal representation to the poor. It makes no sense to reduce the Indigent Defense Fund to \$19.8 million from the \$21.2 million. The state will have to somehow come up with additional money needed." These are shortsighted decisions; the people of Iowa expect more of their public servants. The budget I recommended included sound budgeting practices. Investment decisions for future policy outcomes that would have this state preparing for tomorrow's challenges. We must be better prepared for the future, not just react to its problems.

Senate File 530 is therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 6, subsection 7 and the designated portion of Section 6, subsection 9. Both of these items require the Department of Corrections to re-create requested data back to 1999. The ability to manually collect the required data, given the cut backs to the correctional system is very limited and would produce a report of marginal value. I have instructed the Department of Corrections to continue to make best efforts to respond to individual cases as needed.

I am unable to approve the items designated as Sections 18, 19, and 20 in their entirety. These sections involve the reimbursement of temporarily confining a person in a county facility for violations regarding OWI, prison work release, and parole. The proposed language, which intends to require the exclusion of administrative costs, would be a good start at addressing the specific costs to be included in the daily cost reimbursement. However, the proposed language is vague and the United States marshal's service cost sheet does not provide any definition of administrative support personnel costs. This provision may even markedly increase county confinement costs. The Department of Corrections has offered both a proposed bill and alternative clarifying language for consideration that involves paying a proportional share of daily direct security supervision costs. I have directed the Department of Corrections to negotiate further an acceptable daily reimbursement rate with each county.

For the above reasons, I hereby respectfully approve Senate File 530, with the exceptions noted above.

Sincerely,  
THOMAS J. VILSACK  
Governor

May 30, 2001

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 531, 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.

Basic to any successful organization are core functions that allow the organization to operate smoothly and efficiently. Iowa citizens expect their taxes to be accurately calculated and refunds issued in a timely fashion, businesses expect corporate filings and liens to be processed, visitors expect the Capitol and other state facilities to be safe and properly maintained, citizens expect that they can do business with their government in a way that is convenient to them, and taxpayers expect that their tax dollars are being used legally and properly.

These are all legitimate expectations, and I am troubled that the Legislature's intentional underfunding of the core services of state government is threatening its ability to respond to its citizen customers. No successful business would cut budgets that support its core customers. That, however, will be the outcome from the unwise cuts contained in this budget bill.

There are many examples of the impact of this decision. For example, there will be fewer employees to process state income tax refunds and answer taxpayer's questions, fewer opportunities for departments to provide services on-line, less maintenance of state buildings and facilities, inability to timely maintain the statewide voter registration system increasing the risk for voter error and fraud, and slower processing of business filings potentially impacting the formation of new businesses in our State. These short-sighted cuts produce long term impacts and inefficiencies.

I am even more troubled by the lack of sound financial practice contained within this bill. The Legislature did not provide the resources necessary to carry out even the most fundamental functions, and as a result, they have passed a budget riddled with bad budget practices. These unwise choices will cost the state more money in the future — rather than making cuts, the Legislature has only set the state up for greater expense next year and following years.

For example, my budget provided \$1.8 million to clean up a federal claim against the State for overbilling of technology services that dates back to the Branstad administration. By not resolving this issue, we risk having additional penalties and

interest charged to the state by the federal government. The Legislature provided no funds to fix this problem. My budget provided \$1.7 million to ensure adequate funding for worker's compensation claims, but the Legislature provided just \$500,000 for this; it is likely that this fund will literally run out of money as a result — meaning that the State cannot play its legal obligations. Likewise, the Legislature underfunded the appropriation to the Department of General Services to pay for contracted rental space — another case where the Legislature refuses to accept reality and make the funds available to pay the State's contractual obligations.

These budget gimmicks are nothing more than a charade that passes off the tough budget decisions to somebody else. The Legislature has claimed that its deeper budget cuts were necessary to “solve” the budget problems now, but in reality, the above listed “cuts” are illusory and simply pass on the problem — in some cases with additional costs as well.

For these reasons I reluctantly approve Senate File 531 on this date with the following exception, which I hereby disapprove.

I am unable to approve Section 24, subsection 1, unnumbered paragraph 3 in its entirety.

This proposed language places the responsibility of paying county expenses in the budget of the Secretary of State without adding any additional funding. The Marshall county auditor's office chose to participate in the elections reform task force with the knowledge that the State would not be able to assume the costs of their participation. If the Legislature believed this to be a wise expenditure of funds they should have created a specific appropriation for this purpose rather than forcing the Secretary of State to direct limited funds away from other purposes such as statewide election activities.

For the above reason, I hereby respectfully approve Senate File 531 with the exception noted above.

Sincerely,  
THOMAS J. VILSACK  
Governor

May 24, 2001

The Honorable Chester Culver  
Secretary of State  
State Capitol  
LOCAL

Dear Secretary Culver:

I hereby transmit Senate File 535, an act relating to the funding of, operation of, and appropriation of moneys to the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents.

While I will allow much of Senate File 535 to become law, I do so with many reservations. This bill as passed by the legislature does not fully meet the needs of the

citizens of Iowa. Reductions in the College Student Aid Commission budget will impact approximately 7,000 students in all three sectors of higher education by either reducing the amount of the grants they receive or in the case of the Iowa Work Study Program, eliminating all state funding which assists 4,300 working students. The impact to the cultural community will be felt in many areas but the most significant will be in the reduced availability of grants to communities throughout Iowa. Several other education programs were either eliminated or drastically reduced. Tuition at the Community Colleges will increase and programs may be reduced as a result of the significant funding reductions. The Regents institutions will experience hiring stoppages, furloughs, layoffs, and possible program elimination's which will impact the quality of education offered at our state institutions of higher education.

If I had any assurance from legislative leaders that they would seriously address these matters in the upcoming special session, I would simply return the bill and ask it be improved substantially by the House and Senate. In the absence of such assurances, I will utilize my authority to the extent possible to minimize the problems that will be created by the bill as submitted. I do not have the flexibility within the expenditure limitation I must follow, however, to rectify many of the problems that will result from the education budget decisions taken by Republican legislators, however.

I will reluctantly sign this bill with the exceptions noted below.

I am unable to approve Section 13 in its entirety. This section requires the Community Colleges to obtain authorization from the State Board of Education prior to the sale of a radio broadcast license or station. Given the structure of local board control our Community Colleges successfully operate under, I have not been persuaded it is necessary to restrict their authority in this way at this time.

I do not approve Section 14 in its entirety.

Paragraph 1 of section 14 reduces funding for the Iowa Tuition Grant. The Iowa Tuition Grant provides need-based assistance to almost 15,000 Iowa families attending independent colleges and universities. The program gives working families the opportunity to attend Iowa's fine independent colleges and universities. The proposed reduction in this program below the current year level undermines that opportunity and breaks faith with working families who depend on these annual awards, and our local independent colleges, who help distribute this needed aid to students and families all across Iowa.

Paragraph 2 of section 14 reduces funding for the State of Iowa Scholarship. The State of Iowa Scholarship program encourages Iowa's best and brightest students to remain in the state to study at Iowa colleges and universities. We need to continue to reward their past performance and encourage them to study in Iowa, and not reduce this program

Paragraph 3 of section 14 reduces funding for the Iowa Vocational-Technical Tuition Grant. The Iowa Vocational-Technical Tuition Grant program supports almost 6,000 Iowa students at community colleges who will help meet our state's need for highly skilled workers. It is important to keep faith with families who look to vocational education as a means to prosper in Iowa, rather than reduce their grants. This is especially important in light of other cuts in community college funding elsewhere in this bill.

I am unable to approve Section 16 in its entirety. This section requires the authorization of the executive council, prior to the sale of a radio broadcast license or station owned by an institution of higher learning. I believe the Board of Regents current governance system provides adequate oversight and stewardship of the Regent radio stations. The Board has a statewide plan and written operating procedures regarding its radio stations. It also receives biennial governance reports on the radio stations as well as requires a series of approvals for any changes in its radio stations. Therefore, I am unconvinced that additional approvals are warranted.

I hereby approve Senate File 535, with the exceptions noted.

Sincerely,  
THOMAS J. VILSACK  
Governor

## GOVERNOR'S VETO MESSAGES

May 31, 2001

The Honorable Chester Culver  
Secretary of State  
State Capitol  
LOCAL

Dear Secretary Culver:

I hereby transmit Senate File 516, an act establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an s corporation for purposes of the state individual income tax and including an effective and applicability date provision.

I am unable to approve Senate File 516. In the past, I have supported changes in the method of taxation of S corporation income to shareholders to make it equitable to C corporations. S corporations have been a force in Iowa's economy by creating new jobs and opportunities for people in Iowa. I supported Senate File 2449 during the 1996 session and House File 306 during the 1997 session, which extended to S- corporation shareholders the same method of apportionment of income as afforded C corporations. Senate File 516 would complete the equity issue by allowing S corporation shareholders the one-hundred percent deduction for federal income taxes paid, the same as afforded C corporations.

While I support small business growth by adjusting taxes for S corporations to make them equitable with C corporations, we simply could not afford to do it this year. It is my hope the legislature will be couple this initiative next year with my venture capital proposal that will expand economic opportunity in Iowa.

For the above reasons, I hereby respectfully disapprove Senate File 516.

Sincerely,  
THOMAS J. VILSACK  
Governor

May 31, 2001

The Honorable Chester Culver  
Secretary of State  
State Capitol  
LOCAL

Dear Secretary Culver:

I hereby transmit Senate File 521, an act establishing a new economy employment initiative by providing for a partial deduction under the individual income tax for the capital gain from the sale or exchange of capital stock of a corporation which was acquired by an individual on account of employment with the corporation, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

I am unable to approve Senate File 521. At the start of the legislative session, I identified the need to help attract venture capital for business start-ups in Iowa. My recommendations focused in the life sciences area, where I feel the best opportunities exist attracting venture capital. Unfortunately, the Legislature felt that this was not a top priority for this session. Instead, they passed Senate File 521, which provides a tax advantage to individuals in dealing with capital gains on the sale of stock in corporations. While providing this advantage to help corporations hire and retain workers, my emphasis has been and will continue to be creating the appropriate atmosphere for which these businesses can be created. Creating venture capital for the state needs to be the first step.

Also, because of the state's future financial uncertainty, approving this bill would not be responsible. It is important to remember that in fiscal year 2002, the Legislature chose to fund many on-going operating expenses with one-time revenues. Finding new revenue sources in fiscal year 2003 for these operating expenses will be difficult. Signing this bill would add to that difficulty.

For the above reasons, I hereby respectfully disapprove Senate File 521.

Sincerely,  
THOMAS J. VILSACK  
Governor



*State of Iowa*

**JOURNAL  
OF THE SENATE**

**2001**

**EXTRAORDINARY SESSION  
SEVENTY-NINTH  
GENERAL ASSEMBLY**

**June 19, 2001**

**MARY E. KRAMER, President of the Senate  
BRENT SIEGRIST, Speaker of the House**

Published by the  
STATE OF IOWA  
Des Moines

# JOURNAL OF THE SENATE

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FIRST CALENDAR DAY  
FIRST EXTRAORDINARY SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, June 19, 2001

Pursuant to the proclamation of the Governor, the Honorable Thomas J. Vilsack, the Seventy-ninth General Assembly of Iowa convened in Extraordinary Session at 10:10 a.m., President Kramer presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

## COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

May 21, 2001

The Honorable Mary Kramer  
President of the Senate  
State Capitol  
LOCAL

The Honorable Brent Siegrist  
Speaker of the House  
State Capitol  
LOCAL

I hereby submit the Proclamation setting the Extraordinary Session of the Iowa Legislature to convene at 10:00 a.m., June 19, 2001.

Sincerely,  
THOMAS J. VILSACK  
Governor

STATE OF IOWA  
*Executive Department*

In The Name And By The Authority Of The State Of Iowa

PROCLAMATION

*Whereas*, the 2001 Regular Session of the Seventy-ninth General Assembly had final adjournment pursuant to House Concurrent Resolution 39, and

*Whereas*, the General Assembly did not adopt legislation that sets new congressional and legislative district boundaries, and

*Whereas*, the General Assembly may need to adopt prudent and necessary legislation to address any other issues which may be identified by the Governor and legislative leaders before the convening of the extraordinary session, and

*Whereas*, the General Assembly must convene in extraordinary session in accordance with Article IV, Section XI, of the Constitution of the State of Iowa in order to consider the Legislative Service Bureau's second plan for the redrawing of Iowa's congressional and legislative districts.

*Now, Therefore*, I, Thomas J. Vilsack, Governor of the State of Iowa, in accordance with Article IV, Section XI, of the Constitution of the State of Iowa, do hereby proclaim that the Seventy-ninth General Assembly shall convene in extraordinary session in Des Moines, Iowa, at 10:00 a.m. on the nineteenth day of June, 2001, and to that end I do call up and direct the members of the House of Representatives to convene at the new State Historical Building and members of the Senate to convene in the Senate Chamber at the State Capitol at 10:00 a.m. on June 19, 2001, for the purpose which the assembly is convened, namely the matter of redistricting and other issues deemed appropriate to take legislative action in keeping therewith.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 21st day of May in the year of our Lord two thousand one.

(SEAL)

THOMAS J. VILSACK, Governor

Attest:

CHESTER J. CULVER  
Secretary of State

ANNOUNCEMENT OF VACANCY

President Kramer announced that notification had been received from the office of Governor Vilsack of the following vacancy in the Senate:

District 43 – Derryl McLaren, resignation effective May 17, 2001.

## COMMITTEE ON CREDENTIALS

Senator Iverson moved that a committee on Credentials be appointed to examine and report on the election in Senate District 43.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Johnson, Chair; Rehberg, Drake, Hammond, and Hansen.

The Senate stood at ease at 10:12 a.m. until the fall of the gavel.

The Senate resumed session at 10:15 a.m., President Kramer presiding.

## REPORT OF THE COMMITTEE ON CREDENTIALS

MADAM PRESIDENT: We, your committee on Credentials, respectively report that we find the person named in the attached copy of the certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the 2001 Extraordinary Session of the Seventy-ninth General Assembly.

JOANN JOHNSON, Chair  
 KITTY REHBERG  
 RICHARD F. DRAKE  
 JOHNIE HAMMOND  
 STEVE HANSEN

### CERTIFICATION—STATE OF IOWA OFFICE OF THE SECRETARY OF STATE

To the Honorable Michael E. Marshall, the Secretary of the Senate:

I, Chester J. Culver, Secretary of State of the State of Iowa; custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held on June 12, 2001, Hubert Houser was elected to fill a vacancy in the office of State Senator of the Forty-third District, for the balance of the term which began on January second, 1999.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this eighteenth day of June, 2001.

CHESTER J. CULVER  
 Secretary of State

I hereby acknowledge receipt of the original copy of this document on this eighteenth day of June, 2001.

MICHAEL E. MARSHALL  
Secretary of the Senate

Senator Johnson moved the adoption of the report of the committee on Credentials, which motion prevailed by a voice vote.

Senator Houser approached the bar of the Senate, was duly sworn, and subscribed his name to the oath of office.

Senator Iverson moved that the newly elected member be permitted to occupy the seat of his predecessor for the remainder of 2001 provided, however, that in 2002 he will not be regarded as a holdover member with the right to retain this seat.

The motion prevailed by a voice vote.

#### ORGANIZATION OF THE SENATE

Senator Iverson moved that the selection of seats, determination of mileage of senators, assignment of press seats, and all other organizational or administrative matters not specifically provided for in Joint Rule 3 be the same for this Extraordinary Session as for the 2001 Regular Session of the Seventy-ninth General Assembly.

The motion prevailed by a voice vote.

#### SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate was organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed by a voice vote.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, pursuant to the May 21, 2001, proclamation of the Governor, duly organized for the Extraordinary Session of the Seventy-ninth General Assembly and is ready to receive communications from the Senate.

ALSO: I am directed to inform your honorable body that the House has on May 1, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 743**, a bill for an act providing for fees for the remediation of sites evidencing contamination from a release of fertilizers and soil conditioners or pesticides, and providing an effective date.

Read first time and referred to committee on **Ways and Means**.

## COMMITTEE ASSIGNMENTS

Senator Iverson moved that Senator Houser retain Senator McLaren's assignments to standing committees, except that Senator Behn serve as acting Chair of the committee on Agriculture.

The Senate stood at ease at 10:22 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:02 p.m., President Kramer presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on June 19, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 758**, a bill for an act providing for congressional and legislative districts and providing an effective date.

Read first time and referred to committee on **State Government**.

RECESS

On motion of Senator Iverson, the Senate recessed at 12:03 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 12:31 p.m., President Kramer presiding.

RECESS

On motion of Senator Boettger, the Senate recessed at 12:33 p.m. until the completion of a meeting of the committee on State Government.

RECONVENED

The Senate reconvened at 1:00 p.m., President Kramer presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:01 p.m. until the completion of a meeting of the committee on Business and Labor Relations.

AFTERNOON SESSION

The Senate reconvened at 1:19 p.m., President Kramer presiding.

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent, and a quorum present.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 52**, by committee on Rules and Administration, a Senate resolution urging the Iowa congressional delegation to support and work to implement the renewal of the trade promotion authority of the President of the United States.

Read first time and **placed on calendar**.

**Senate Resolution 53**, by Iverson and Gronstal, a Senate resolution honoring Nobel Peace Prize Laureate Dr. Norman E. Borlaug, and recognizing his contributions to alleviating world hunger and malnutrition, including the founding of the World Food Prize.

Read first time and referred to committee on **Rules and Administration**.

## COMMITTEE REPORT

## STATE GOVERNMENT

**Final Bill Action:** HOUSE FILE 758, a bill for an act providing for congressional and legislative districts and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: King, Lamberti, Kibbie, Bolkom, Connolly, Deluhery, Drake, Fink, Houser, Jensen, McKean, and Sexton. Nays, 2: Dearden and Rittmer. Absent or not voting, 1: Maddox.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 758.

**House File 758**

On motion of Senator King, **House File 758**, a bill for an act providing for congressional and legislative districts and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 758), the vote was:

Ayes, 37:

Angelo	Behn	Boettger	Bolkcom
Connolly	Deluhery	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Hansen	Horn
Houser	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	McCoy	McKean	McKibben
McKinley	Redfern	Redwine	Rehberg
Schuerer	Sexton	Shearer	Tinsman
Veenstra			

Nays, 13:

Bartz	Black	Dearden	Fiegen
Greiner	Hammond	Harper	Holveck
Maddox	Miller	Rittmer	Soukup
Zieman			

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 758** be **immediately messaged** to the House.

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 53, a Senate resolution honoring Nobel Peace Prize Laureate Dr. Norman E. Borlaug, and recognizing his contributions to alleviating world hunger and malnutrition, including the founding of the World Food Prize.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 53.

**Senate Resolution 53**

On motion of Senator McCoy, **Senate Resolution 53**, a Senate resolution honoring Nobel Peace Prize Laureate Dr. Norman E. Borlaug, and recognizing his contributions to alleviating world hunger and malnutrition, including the founding of the World Food Prize, with report of committee recommending passage, was taken up for consideration.

Senator McCoy moved the adoption of Senate Resolution 53, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Iverson.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 698.

**House File 698**

On motion of Senator Jenson, **House File 698**, a bill for an act providing appropriations for certain temporary staffing for the Iowa utilities board and consumer advocate prior to assessment of such staffing expenses to utilities, with report of committee recommending passage, was taken up for consideration.

Senator Lamberti offered amendment S-3712, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-3712 was adopted by a voice vote.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 698), the vote was:

Ayes, 38:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Gaskill	Gronstal	Harper	Horn
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Maddox
McCoy	McKean	McKibben	McKinley
Redfern	Redwine	Rehberg	Rittmer
Schuerer	Sexton	Shearer	Soukup
Tinsman	Veenstra		

Nays, 11:

Bolkcom	Fiegen	Fraise	Freeman
Greiner	Hammond	Hansen	Holveck
Kibbie	Miller	Zieman	

Absent or not voting, 1:

Lundby

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 698** be **immediately messaged** to the House.

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 52, a Senate resolution urging the Iowa congressional delegation to support and work to implement the renewal of the trade promotion authority of the President of the United States.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Iverson, Kramer, Boettger, Gaskill, Johnson, McKean, and Rittmer. Nays, 4: Gronstal, Dvorsky, Fink, and Harper. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 52.

### Senate Resolution 52

On motion of Senator Gaskill, **Senate Resolution 52**, a Senate resolution urging the Iowa congressional delegation to support and work to implement the renewal of the trade promotion authority of the President of the United States, was taken up for consideration.

Senator Kibbie offered amendment S-3711, filed by him from the floor to page 2 of the resolution.

President Pro Tempore McKean took the chair at 3:36 p.m.

Senator Kibbie moved the adoption of amendment S-3711.

A record roll call was requested.

On the question "Shall amendment S-3711 be adopted?" (S.R. 52), the vote was:

Ayes, 22:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Fink
Flynn	Fraise	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	Lundby	McCoy	McKean
Shearer	Soukup		

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Maddox
McKibben	McKinley	Miller	Redfern

Redwine  
Sexton

Rehberg  
Tinsman

Rittmer  
Veenstra

Schuerer  
Zieman

Absent or not voting, none.

Amendment S-3711 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake, until he returns, on request of Senator Iverson.

### BUSINESS PENDING

#### Senate Resolution 52

The Senate resumed consideration of Senate Resolution 52.

Senator Gaskill moved the adoption of Senate Resolution 52.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.R. 52), the vote was:

Ayes, 29:

Angelo  
Freeman  
Iverson  
Kramer  
McKean  
Redfern  
Schuerer  
Zieman

Bartz  
Gaskill  
Jensen  
Lamberti  
McKibben  
Redwine  
Sexton

Behn  
Greiner  
Johnson  
Lundby  
McKinley  
Rehberg  
Tinsman

Boettger  
Houser  
King  
Maddox  
Miller  
Rittmer  
Veenstra

Nays, 20:

Black  
Deluhery  
Flynn  
Hansen  
Kibbie

Bolkcom  
Dvorsky  
Fraise  
Harper  
McCoy

Connolly  
Fiegen  
Gronstal  
Holveck  
Shearer

Dearden  
Fink  
Hammond  
Horn  
Soukup

Absent or not voting, 1:

Drake

The motion prevailed and the resolution was adopted.

## COMMITTEE REPORT

### BUSINESS AND LABOR RELATIONS

**Final Bill Action:** HOUSE FILE 696, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Greiner, Dearden, Behn, Fraise, Hammond, Horn, King, Lundby, McKibben and Schuerer. Nays, none. Absent or not voting, 1: Freeman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 696.

### House File 696

On motion of Senator Behn, **House File 696**, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date, was taken up for consideration.

Senator Kibbie asked and received unanimous consent to withdraw amendment S-3410, filed by him on April 19, 2001, striking everything after the enacting clause and to the title page of the bill.

Senator Behn offered amendment S-3698, filed by him on May 8, 2001, striking everything after the enacting clause of the bill.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby, until she returns, on request of Senator Bartz; and Senator Dearden, until he returns, on request of Senator Gronstal.

## BUSINESS PENDING

### House File 696

The Senate resumed consideration of House File 696.

Senator King offered amendment S-3715, filed by Senators King, Rehberg, and Schuerer from the floor to page 1 of amendment S-3698.

President Kramer took the chair at 4:15 p.m.

The Senate stood at ease at 4:16 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:41 p.m., President Kramer presiding.

Senator King moved the adoption of amendment S-3715 to amendment S-3698.

A record roll call was requested.

On the question "Shall amendment S-3715 to amendment S-3698 be adopted?" (H.F. 696), the vote was:

Ayes, 9:

Gaskill	Houser	King	McKinley
Miller	Rehberg	Schuerer	Sexton
Veenstra			

Nays, 39:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Iverson	Jensen
Johnson	Kibbie	Kramer	Lamberti
Maddox	McCoy	McKean	McKibben

Redfern	Redwine	Rittmer	Shearer
Soukup	Tinsman	Zieman	

Absent or not voting, 2:

Dearden	Lundby
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Amendment S-3715 lost.

Senator Iverson offered amendment S-3710, filed by him from the floor to pages 1 and 2 of amendment S-3698, and moved its adoption.

Amendment S-3710 was adopted by a voice vote.

Senator Behn moved the adoption of amendment S-3698, as amended, which motion prevailed by a voice vote.

With the adoption of amendment S-3698, the Chair ruled amendment S-3383, filed by Senator Freeman on April 18, 2001, to page 2 of the bill, out of order.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 696), the vote was:

Ayes, 41:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Johnson
Kibbie	Lundby	McCoy	McKean
McKibben	Redfern	Rehberg	Rittmer
Sexton	Shearer	Soukup	Veenstra
Zieman			

Nays, 9:

King	Kramer	Lamberti	Maddox
McKinley	Miller	Redwine	Schuerer
Tinsman			

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 696** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

#### **House File 577**

On motion of Senator Jensen, **House File 577**, a bill for an act relating to electric power generation and transmission, by addressing the criteria for construction of an electric generating facility; waivers; approval of power purchase contracts; management of regulated emissions from facilities fueled by coal; providing for the development of a state electric energy policy; providing for joint agreements for acquisition of ownership of a joint facility for electric power generation and transmission, and for the planning, financing, operation, and maintenance of the joint facility; providing for the bonding authority of electric power agencies; and making certain other changes and requirements related to electric generation and transmission, with report of committee on Commerce without recommendation, placed on the Unfinished Business Calendar on April 5, 2001, re-referred to the committee on Commerce on April 18, 2001, and returned to the calendar with report of committee on Commerce recommending amendment and passage on May 7, 2001, was taken up for consideration.

Senator Gronstal offered amendment S-3686, filed by Senator Gronstal, et al., on May 7, 2001, striking everything after the enacting clause and to the title page of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S-3686 be deferred.

Senator Johnson asked and received unanimous consent to withdraw amendment S-3713, filed by her from the floor striking everything after the enacting clause and to the title page of the bill.

Senator Johnson offered amendment S-3717, filed by her from the floor striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-3717 was adopted by a voice vote.

With the adoption of amendment S-3717, the Chair ruled the following amendments out of order:

S-3686, filed by Senator Gronstal, et al., previously deferred;

S-3673, filed by the committee on Commerce on May 7, 2001, to pages 1-4 of the bill;

S-3685, filed by Senator Johnson on May 7, 2001, to pages 1, 3, and 4 of amendment S-3673;

S-3689, filed by Senator Johnson on May 7, 2001, to pages 1, 3, and 4 of amendment S-3673;

S-3352, filed by Senator Connolly on April 12, 2001, to page 1 of the bill;

S-3691, filed by Senator Johnson on May 7, 2001, to pages 1 and 2 of the bill;

S-3687, filed by Senator Freeman, et al., on May 7, 2001, to page 2 of the bill; and

S-3701, filed by Senator Johnson on May 8, 2001, to page 4 of the bill.

Senator Jensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 577), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Fink	Flynn	Fraise	Freeman
Gaskill	Greiner	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Houser	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McCoy	McKean
McKibben	McKinley	Miller	Redfern
Redwine	Rehberg	Rittmer	Schuerer

Sexton  
Veenstra

Shearer  
Zieman

Soukup

Tinsman

Nays, none.

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 577** be **immediately messaged** to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on June 19, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 757**, a bill for an act relating to the taxation under the individual income tax of certain federal tax rebates and including a retroactive applicability date provision.

Read first time and referred to committee on **Ways and Means**.

### RECESS

On motion of Senator Iverson, the Senate recessed at 5:25 p.m. until the completion of a meeting of the committee on Ways and Means.

### RECONVENED

The Senate reconvened at 5:31 p.m., President Kramer presiding.

## RECESS

On motion of Senator Iverson, the Senate recessed at 5:34 p.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 5:45 p.m., President Kramer presiding.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 32**, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

## COMMITTEE REPORT

## WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 757, a bill for an act relating to the taxation under the individual income tax of certain federal tax rebates and including a retroactive applicability date provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: McKibben, McKinley, Harper, Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 757.

**House File 757**

On motion of Senator McKibben, **House File 757**, a bill for an act relating to the taxation under the individual income tax of certain

federal tax rebates and including a retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment S-3714, filed by Senators Kibbie, Fraise, and Connolly from the floor striking everything after the enacting clause and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-3714 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3714 out of order.

Senator Harper offered amendment S-3716, filed by Senator Harper, et al., from the floor striking everything after the enacting clause and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-3716 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-3716 out of order.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 757), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Deluhery
Drake	Dvorsky	Fiegen	Fink
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 2:

Dearden                      Hammond

Absent or not voting, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 757** be **immediately messaged** to the House.

The Senate stood at ease at 6:10 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:19 p.m., President Kramer presiding.

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 32, a concurrent resolution to provide for adjournment sine die.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Iverson, Kramer, Gronstal, Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 32.

#### Senate Concurrent Resolution 32

On motion of Senator Iverson, **Senate Concurrent Resolution 32**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 32, which motion prevailed by a voice vote.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 32** be **immediately messaged** to the House.

### SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and to the House to inform them that the Senate was prepared to adjourn sine die pursuant to Senate Concurrent Resolution 32.

The motion prevailed by a voice vote.

### APPENDIX

#### RESIGNATION FROM OFFICE

The following resignation was received subsequent to adjournment of the 2001 Regular Session:

May 15, 2001

The Honorable Thomas J. Vilsack  
State Capitol  
Des Moines, Iowa 50319

Dear Governor Vilsack:

I respectfully submit my resignation from the Iowa Senate, District 43, effective Thursday, May 17.

I have accepted the position of State Executive Director of the Iowa Farm Service Agency of USDA.

Sincerely,  
Derryl McLaren

## COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

June 6, 2001

### IOWA COLLEGE STUDENT AID COMMISSION

1999–2000 Annual Report, pursuant to Iowa Code Chapter 261.

June 11, 2001

### DEPARTMENT OF HUMAN RIGHTS

Iowa Division of Community Action Agencies 1999 Annual Report.

## COMMUNICATION FROM LEGISLATIVE SERVICE BUREAU

The following communication was received from the Legislative Service Bureau on June 1, 2001:

To: Secretary of the Iowa Senate, Chief Clerk of the Iowa House of Representatives, and Members of the Iowa General Assembly.

From: Diane Bolender, Director, and Ed Cook, Legal Counsel, Iowa Legislative Service Bureau.

Date: June 1, 2001

Pursuant to Chapter 42 of the 2001 Code of Iowa, the Legislative Service Bureau delivers to the Iowa General Assembly identical bills embodying a (second) plan of legislative and Congressional districting prepared in accordance with the U.S. Constitution, the Iowa Constitution, and Iowa Code section 42.4. In addition to the identical bills, this memorandum and the accompanying attachments include maps illustrating the plan, a summary of the standards prescribed by law for redistricting, a listing of the population for each district created, a statistical analysis of the plan, and listings of the political subdivisions undivided under the plan. This memorandum, the identical bills, as well as maps illustrating the plan, are also available through the internet on the Iowa Redistricting in 2001 link on the Iowa General Assembly's website ([www.legis.state.ia.us](http://www.legis.state.ia.us)).

## REPORTS OF COMMITTEE MEETINGS

### BUSINESS AND LABOR RELATIONS

**Convened:** June 19, 2001, 1:06 p.m.

**Members Present:** Greiner, Vice Chair; Dearden, Ranking Member; Behn, Fraise, Hammond, Horn, King, Lundby, McKibben, and Schuerer.

**Members Absent:** Freeman, Chair (excused).

**Committee Business:** Passed HF 696.

**Adjourned:** 1:15 p.m.

#### **RULES AND ADMINISTRATION**

**Convened:** June 19, 2001, 12:05 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** Gaskill (excused).

**Committee Business:** Passed SRs 52 and 53.

**Adjourned:** 12:25 p.m.

ALSO:

**Convened:** June 19, 2001, 5:38 p.m.

**Members Present:** Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Dvorsky, Fink, Gaskill, Harper, Johnson, McKean, and Rittmer.

**Members Absent:** None.

**Committee Business:** Passed SCR 32.

**Adjourned:** 5:40 p.m.

#### **STATE GOVERNMENT**

**Convened:** June 19, 2001, 12:40 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Houser, Jensen, McKean, Rittmer, and Sexton.

**Members Absent:** Maddox (excused).

**Committee Business:** Passed HF 758.

**Adjourned:** 12:52 p.m.

#### **WAYS AND MEANS**

**Convened:** June 19, 2001, 5:25 p.m.

**Members Present:** McKibben, Chair; McKinley, Vice Chair; Harper, Ranking Member; Bolkcom, Connolly, Deluhery, Drake, Flynn, Greiner, Holveck, Lamberti, Maddox, Miller, Redwine, and Rehberg.

**Members Absent:** None.

**Committee Business:** Passed HF 757.

**Adjourned:** 5:29 p.m.

## SUBCOMMITTEE ASSIGNMENTS

### House File 743

WAYS AND MEANS: Greiner, Chair; Harper and McKinley

### House File 757

WAYS AND MEANS: McKibben, Chair; Flynn and McKinley

### House File 758

STATE GOVERNMENT: King, Chair; Kibbie and Lamberti

## PETITIONS

The following petitions were presented and placed on file:

From 530 residents of various counties in Iowa favoring legislation to allow local control of hog confinement facilities. Senator Soukup.

From residents of Lee County, Iowa, supporting the continuance of workforce centers in rural Iowa and favoring the extension of the employer surtax to fund the centers. Senator Shearer.

From residents of Washington County, Iowa, supporting the continuance of workforce centers in rural Iowa and favoring the extension of the employer surtax to fund the centers. Senator Shearer.

## AMENDMENTS FILED

S-3710	H.F. 696	Stewart Iverson, Jr.
S-3711	S.R. 52	John P. Kibbie
S-3712	H.F. 698	Jeff Lamberti

S-3713	H.F. 577	JoAnn Johnson
S-3714	H.F. 757	John P. Kibbie Eugene S. Fraise Mike Connolly
S-3715	H.F. 696	Steve King Kitty Rehberg Neal Schuerer
S-3716	H.F. 757	Patricia Harper Johnie Hammond Matt McCoy Betty A. Soukup Tom Flynn Patrick J. Deluhery Mike Connolly Joe Bolkcom Robert E. Dvorsky Michael E. Gronstal
S-3717	H.F. 577	JoAnn Johnson

#### MOTION TO ADJOURN ADOPTED

Senator Iverson moved that that 2001 Extraordinary Session of the Seventy-ninth General Assembly adjourn sine die in accordance with Senate Concurrent Resolution 32, duly adopted.

The motion prevailed by a voice vote.

#### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on June 19, 2001, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 577**, a bill for an act relating to electric power generation and transmission, by addressing the criteria for construction of an electric generating facility; waivers; approval of power purchase contracts; management of regulated emissions from facilities fueled by coal; providing for the development of a state electric energy policy; providing for joint agreements for acquisition of

ownership of a joint facility for electric power generation and transmission, and for the planning, financing, operation, and maintenance of the joint facility; providing for the bonding authority of electric power agencies; and making certain other changes and requirements related to electric generation and transmission.

**House File 696**, a bill for an act relating to the employment security administrative contribution surcharge, and providing an effective date.

**House File 698**, a bill for an act providing appropriations for certain temporary staffing for the Iowa utilities board and consumer advocate prior to assessment of such staffing expenses to utilities.

ALSO: That the House has on June 19, 2001, **adopted** the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 32**, a concurrent resolution to provide for adjournment sine die.

ALSO: That the House is prepared to adjourn the 2001 Extraordinary Session of the Seventy-ninth General Assembly pursuant to Senate Concurrent Resolution 32, duly adopted.

## FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 32, duly adopted, the day of June 19, 2001, having arrived, President Kramer declared the 2001 Extraordinary Session of the Seventy-ninth General Assembly adjourned sine die.

**AMENDMENTS FILED**

**During the**

**Seventy-Ninth General Assembly**

**2001 Regular Session**

**S-3001**

1 Amend Senate File 58 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 422.45, Code 2001, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 60. a. The gross receipts from  
7 the sale, furnishing, or service of metered gas to  
8 provide energy for residential customers and the gross  
9 receipts from the sale, furnishing, or service of  
10 fuel, including propane and heating oil, used to  
11 provide heat for residential dwellings and units of  
12 apartment and condominium complexes used for human  
13 occupancy.  
14 b. Paragraph "a" applies to the gross receipts  
15 from the sale, furnishing, or service of metered gas  
16 for energy if the date of the utility billing of the  
17 customer is during March 2001, or April 2001, or  
18 applies to the gross receipts from the sale,  
19 furnishing, or service of fuel used for heating  
20 purposes if such sale, furnishing, or service occurs  
21 during the period beginning with the effective date of  
22 this Act and ending on March 31, 2001.  
23 Sec. \_\_\_\_\_. If a utility that sells, furnishes, or  
24 services metered gas to provide energy for residential  
25 customers is unable to timely adjust its billing  
26 system to provide the sales and use tax exemption  
27 provided in section 1 of this Act, the utility is  
28 authorized to charge the sales or use tax on utility  
29 bills that are dated during March 2001 or until the  
30 billing system is adjusted for the sales and use tax  
31 exemption provided in section 1 of this Act. The  
32 utility shall grant to each residential customer from  
33 which the tax was collected on such gross receipts a  
34 credit equal to the amount of tax collected. The  
35 credit shall appear on the first utility billing which  
36 is dated after March 31, 2001. The department of  
37 revenue is granted emergency rulemaking authority to  
38 implement this section.  
39 Sec. \_\_\_\_\_. This Act, being deemed of immediate  
40 importance, takes effect upon enactment."  
41 2. Title page, line 1, by inserting after the  
42 word "exemption" the following: "during a certain  
43 period".

LARRY McKIBBEN

**S-3002**

1 Amend House File 1, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 17 the  
4 following:  
5 "Sec. \_\_\_\_ Section 422.45, Code 2001, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 61. a. Subject to paragraph "b",  
8 the gross receipts from the sale, furnishing, or  
9 service of metered gas and electricity to provide  
10 energy for residential customers and the gross  
11 receipts from the sale, furnishing, or service of  
12 fuel, including propane and heating oil, used to  
13 provide heat for residential dwellings and units of  
14 apartment and condominium complexes used for human  
15 occupancy.  
16 b. The exemption in this subsection shall be  
17 phased in by means of a reduction in the tax rate as  
18 follows:  
19 (1) If the date of the utility billing of the  
20 customer for the sale, furnishing, or service of  
21 metered gas and electricity is between January 1,  
22 2002, and December 31, 2002, or the sale, furnishing,  
23 or service of fuel for heating purposes occurs between  
24 January 1, 2002, and December 31, 2002, the rate of  
25 tax is four percent of the gross receipts.  
26 (2) If the date of the utility billing of the  
27 customer for the sale, furnishing, or service of  
28 metered gas and electricity is between January 1,  
29 2003, and December 31, 2003, or the sale, furnishing,  
30 or service of fuel for heating purposes occurs between  
31 January 1, 2003, and December 31, 2003, the rate of  
32 tax is three percent of the gross receipts.  
33 (3) If the date of the utility billing of the  
34 customer for the sale, furnishing, or service of  
35 metered gas and electricity is between January 1,  
36 2004, and December 31, 2004, or the sale, furnishing,  
37 or service of fuel for heating purposes occurs between  
38 January 1, 2004, and December 31, 2004, the rate of  
39 tax is two percent of the gross receipts.  
40 (4) If the date of the utility billing of the  
41 customer for the sale, furnishing, or service of  
42 metered gas and electricity is between January 1,  
43 2005, and December 31, 2005, or the sale, furnishing,  
44 or service of fuel for heating purposes occurs between  
45 January 1, 2005, and December 31, 2005, the rate of  
46 tax is one percent of the gross receipts.  
47 (5) If the date of the utility billing of the  
48 customer for the sale, furnishing, or service of  
49 metered gas and electricity is on or after January 1,  
50 2006, or the sale, furnishing, or service of fuel for

Page 2

1 heating purposes occurs on or after January 1, 2006,  
 2 the rate of tax is zero percent of the gross receipts.  
 3 c. The exemption in this subsection does not apply  
 4 to local option sales and services tax imposed  
 5 pursuant to chapters 422B and 422E."  
 6 2. Title page, line 1, by striking the words  
 7 "during a certain period".

LARRY McKIBBEN  
 MIKE CONNOLLY  
 JEFF LAMBERTI

### S-3003

1 Amend Senate File 65 as follows:  
 2 1. Page 3, by inserting after line 4 the  
 3 following:  
 4 "Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1220, section  
 5 11, subsection 4, is amended to read as follows:  
 6 4. The remainder of the appropriation in this  
 7 section following the allocations made in subsections  
 8 2 and 3, shall be used to help eligible households as  
 9 defined in 42 U.S.C., chapter 94, subchapter II, to  
 10 meet home energy costs. In determining eligibility  
 11 for such help, the department shall establish the  
 12 maximum income eligibility limit, as authorized in  
 13 federal requirements, at 150 percent of the federal  
 14 poverty level used for the program or 60 percent of  
 15 the Iowa household median income, whichever is  
 16 greater."  
 17 2. Page 3, by inserting before line 5 the  
 18 following:  
 19 "Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1220, section  
 20 11, subsection 4, is amended by adding the following  
 21 new unnumbered paragraph:  
 22 NEW UNNUMBERED PARAGRAPH. In determining income  
 23 eligibility for such help, the department shall  
 24 deduct, as authorized in federal requirements,  
 25 household expenditures for child care and medical  
 26 expenses."  
 27 3. By renumbering as necessary.

MARK SHEARER  
 THOMAS FIEGEN  
 JACK HOLVECK  
 TOM FLYNN  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 MIKE CONNOLLY  
 STEVEN D. HANSEN

BILL FINK  
PATRICIA HARPER  
ROBERT E. DVORSKY  
JOHNIE HAMMOND  
MICHAEL E. GRONSTAL  
BETTY A. SOUKUP

**S-3004**

1 Amend Senate File 65 as follows:  
2 1. Page 1, by striking lines 1 through 29.  
3 2. By striking page 2, line 10 through page 3,  
4 line 23 and inserting the following:  
5 "Sec. \_\_\_\_ Section 476.6, Code 2001, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 25. LOW-INCOME FUNDING. Moneys  
8 collected by rate-regulated gas utilities pursuant to  
9 subsection 19, paragraph "e", that represent  
10 unrecovered amounts for the gas portions of energy  
11 efficiency plans approved prior to July 1, 1996, shall  
12 be paid, up to a maximum of fifteen million dollars  
13 for the fiscal year beginning July 1, 2000, and up to  
14 a maximum of twenty million dollars for the fiscal  
15 year beginning July 1, 2001, to the department of  
16 human rights. The moneys received by the department  
17 are appropriated to the department and shall be used  
18 to provide financial assistance to eligible low-income  
19 customers of gas public utilities, as defined by the  
20 federal low-income home heating energy assistance  
21 program guidelines, in paying their natural gas bills.  
22 The board shall adopt rules specifying each rate-  
23 regulated gas utility's share of the fund and each  
24 utility's allocation methods among residential and  
25 other firm customers, but a customer's rates shall not  
26 increase as a result of this subsection. These funds  
27 shall be paid to the department for the period  
28 beginning on the effective date of this subsection and  
29 ending six hundred thirty days later, after which time  
30 rate-regulated gas utilities may continue recovery of  
31 any remaining amounts for the gas portions of energy  
32 efficiency plans approved prior to July 1, 1996.  
33 The board may direct, upon the department of human  
34 rights' request, all rate-regulated gas utilities to  
35 advance to the department a maximum of the authorized  
36 amount collected and paid to the department under this  
37 subsection for each specified fiscal year, pursuant to  
38 the allocation methods adopted by the board, to allow  
39 for the provision of immediate financial assistance to  
40 eligible customers. A rate-regulated gas utility  
41 advancing moneys shall have the amount of the advance  
42 added to the unpaid amount of the gas portion of its  
43 energy efficiency plan approved prior to July 1, 1996,

44 and interest shall be paid on any moneys advanced at a  
 45 rate equal to the interest paid on the unrecovered gas  
 46 portions of energy efficiency plans approved prior to  
 47 July 1, 1996."  
 48 3. Title page, by striking lines 1 through 3 and  
 49 inserting the following: "An Act relating to the low-  
 50 income home energy assistance program by providing an

Page 2

1 appropriation and for the use of energy efficiency  
 2 plan-related moneys to provide financial assistance to  
 3 low-income customers of gas public utilities and  
 4 providing an effective date."  
 5 4. By renumbering as necessary.

TOM FLYNN  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 BILL FINK  
 MIKE CONNOLLY  
 PATRICIA HARPER  
 ROBERT E. DVORSKY  
 JOHNIE HAMMOND  
 MICHAEL E. GRONSTAL  
 DENNIS H. BLACK  
 JOHN P. KIBBIE  
 MARK SHEARER  
 JACK HOLVECK  
 EUGENE S. FRAISE

### S-3005

1 Amend Senate File 59 as follows:  
 2 1. Page 1, line 6, by striking the figure "2003"  
 3 and inserting the following: "2004".  
 4 2. Page 1, line 11, by striking the figure "2003"  
 5 and inserting the following: "2004".  
 6 3. Page 1, line 14, by striking the figure "2001"  
 7 and inserting the following: "2002".  
 8 4. Page 1, line 16, by striking the figure "2002"  
 9 and inserting the following: "2003".  
 10 5. Page 1, line 29, by striking the figure "2003"  
 11 and inserting the following: "2004".  
 12 6. Page 1, by inserting after line 29 the  
 13 following:  
 14 "Sec. \_\_\_\_ Section 422.73, Code 2001, is amended  
 15 by adding the following new subsection:  
 16 **NEW SUBSECTION.** 4. Notwithstanding subsection 2,  
 17 a claim for refund of individual income tax paid for  
 18 any tax year beginning on or after January 1, 1985,  
 19 and before January 1, 1989, is considered timely if

20 filed with the department on or before October 31,  
21 2001, if the taxpayer's claim is the result of the  
22 unconstitutional taxation of federal pension benefits  
23 based upon the decision in *Davis v. Michigan*  
24 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500  
25 (1989).

26 A taxpayer entitled to a refund of tax paid under  
27 this subsection shall receive an amount equal to one  
28 hundred percent of the refund without interest. The  
29 claim for refund must be filed separately from any  
30 income tax return and a refund shall not be allowed as  
31 a credit for income taxes owed. A claim must be filed  
32 between the effective date of this Act and October 31,  
33 2001. An extension for filing shall not be allowed  
34 and claims disallowed on the basis of timeliness shall  
35 not be allowed upon appeal to any other state agency  
36 notwithstanding any other provision of law.

37 The claim for refund must be made on claim forms to  
38 be made available by the department. In order for a  
39 taxpayer to have a valid refund claim, the taxpayer  
40 must supply legible copies of documents the director  
41 deems necessary to show entitlement to the refund,  
42 including but not limited to income tax forms and W-2P  
43 forms, which will establish the state income tax that  
44 was paid on the federal pension benefits for the tax  
45 years in question. The burden of proof is on the  
46 taxpayer to show that the claim for refund is valid.  
47 Estates are not entitled to file a claim for refund  
48 under this subsection, except a spouse of a deceased  
49 taxpayer who was the spouse of the taxpayer when the  
50 unconstitutional tax was imposed may file a claim for

Page 2

1 refund without reopening the deceased taxpayer's  
2 estate. If a taxpayer has filed a claim under this  
3 subsection and subsequently dies before receipt of the  
4 refund, the taxpayer's estate is entitled to receipt  
5 of any valid refund claim.

6 The department shall make a reasonable attempt to  
7 notify individuals who are entitled to a refund under  
8 this subsection".

9 7. Page 1, by striking line 30 and inserting the  
10 following: "Sec. \_\_\_\_ EFFECTIVE AND APPLICABILITY  
11 DATES. This Act, being deemed of immediate  
12 importance, takes effect upon enactment. Section 1 of  
13 this Act applies".

14 8. Title page, line 1, by inserting after the  
15 word "Act" the following "relating to the time and

16 the criteria for filing of claims for refund under the  
17 state individual income tax by retired federal  
18 employees as a result of the unconstitutional taxation  
19 of federal pensions and".

STEVEN D. HANSEN

### S-3006

1 Amend House File 43, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 11, by inserting after the "line"  
4 the following: "and shall prohibit the use of lead  
5 shot for the taking of a mourning dove".

JACK HOLVECK

### S-3007

1 Amend the amendment, S-3002, to House File 1, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. By striking everything after the amending  
5 clause and inserting the following:  
6 " \_\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:  
8 "Section 1. Section 422.45, Code 2001, is amended  
9 by adding the following new subsection:  
10 NEW SUBSECTION. 60. a. The gross receipts from  
11 the sale, furnishing, or service of metered gas and  
12 electricity to provide energy for residential  
13 customers and the gross receipts from the sale,  
14 furnishing, or service of fuel, including propane and  
15 heating oil, used to provide heat for residential  
16 dwellings and units of apartment and condominium  
17 complexes used for human occupancy.  
18 b. Paragraph "a" applies to the gross receipts  
19 from the sale, furnishing, or service of metered gas  
20 and electricity for energy if the date of the utility  
21 billing of the customer is on or after February 1,  
22 2001, or applies to the gross receipts from the sale,  
23 furnishing, or service of fuel used for heating  
24 purposes if such sale, furnishing, or service occurs  
25 on or after February 1, 2001.  
26 Sec. 2. This Act, being deemed of immediate  
27 importance, takes effect upon enactment."  
28 \_\_\_\_\_. Title page, line 1, by striking the words  
29 "during a certain period"."

MICHAEL E. GRONSTAL  
BETTY A. SOUKUP

JOHNIE HAMMOND  
PATRICIA HARPER  
TOM FLYNN  
PATRICK J. DELUHERY  
MARK SHEARER  
THOMAS FIEGEN  
DENNIS H. BLACK

**S-3008**

- 1 Amend Senate File 84 as follows:  
2 1. Page 1, lines 7 and 8, by striking the words  
3 "purple loosestrife (lythrum virgatum)".  
4 2. Page 1, line 9, by inserting after the word  
5 "state." the following: "A county weed commissioner  
6 may direct that purple loosestrife (lythrum virgatum)  
7 or its seeds shall not be sold within areas under the  
8 commissioner's jurisdiction."

SANDRA GREINER

**S-3009**

HOUSE AMENDMENT TO  
SENATE FILE 65

- 1 Amend Senate File 65, as passed by the Senate, as  
2 follows:  
3 1. Page 2, line 27, by striking the figure  
4 "\$1,995,780" and inserting the following:  
5 "\$2,663,921".  
6 2. Page 3, line 9, by striking the figure  
7 "\$640,561" and inserting the following: "\$715,000".

**S-3010**

- 1 Amend Senate File 63 as follows:  
2 1. Page 1, by striking line 18 and inserting the  
3 following: "physical bodily injury, or that is  
4 intended to cause".  
5 2. Page 1, line 21, by striking the word  
6 "subsection:" and inserting the following:  
7 "subsections:  
8 NEW SUBSECTION. 1A. For the purposes of  
9 subsection 1, "person having control over a child or a  
10 minor" means any of the following:  
11 a. A person who has accepted, undertaken, or  
12 assumed supervision of a child or such a minor from  
13 the parent or guardian of the child or minor.  
14 b. A person who has undertaken or assumed  
15 temporary supervision of a child or such a minor

16 without explicit consent from the parent or guardian  
17 of the child or minor.  
18 c. A person who operates a motor vehicle with a  
19 child or such a minor present in the vehicle."  
20 3. Title page, line 2, by inserting after the  
21 word "child" the following: "or minor".

MAGGIE TINSMAN

### S-3011

1 Amend Senate Resolution 6 as follows:  
2 1. Page 33, line 14, by inserting after the word  
3 "session" the following: "or when a senate caucus is  
4 meeting".

MICHAEL E. GRONSTAL

### S-3012

1 Amend Senate Resolution 6 as follows:  
2 1. Page 33, by inserting after line 14 the  
3 following:  
4 "7A. Two committees with overlapping membership  
5 shall not meet at the same time."

MICHAEL E. GRONSTAL

### S-3013

1 Amend Senate File 30 as follows:  
2 1. Page 1, by striking lines 6 and 7 and  
3 inserting the following: "shall clearly and  
4 conspicuously include the statement, "Iowa is a right  
5 to work and right to organize state."

STEVEN D. HANSEN

### S-3014

1 Amend Senate Concurrent Resolution 6 as follows:  
2 1. Page 16, line 2, by inserting after the word  
3 "bills," the following: "bills sponsored by standing  
4 committees in response to a referral from the  
5 president of the senate or the speaker of the house of  
6 representatives relating to an administrative rule  
7 whose effective date has been delayed until the  
8 adjournment of the next regular session of the general  
9 assembly by the administrative rules review  
10 committee.".

MERLIN E. BARTZ  
JOHN P. KIBBIE  
MICHAEL E. GRONSTAL  
STEWART IVERSON, Jr.

**S-3015**

1 Amend Senate Resolution 6 as follows:  
2 1. Page 48, line 26, by inserting after the word  
3 "bills," the following: "bills sponsored by standing  
4 committees in response to a referral from the  
5 president of the senate or the speaker of the house of  
6 representatives relating to an administrative rule  
7 whose effective date has been delayed until the  
8 adjournment of the next regular session of the general  
9 assembly by the administrative rules review  
10 committee.".

MERLIN E. BARTZ  
JOHN P. KIBBIE  
MICHAEL E. GRONSTAL  
STEWART IVERSON, Jr.

**S-3016**

1 Amend Senate Resolution 4 as follows:  
2 1. Page 6, by inserting after line 21 the  
3 following:  
4 "12A. APPLICABILITY OF LAWS TO SENATE. A senator  
5 shall not be exempt from the applicability of any  
6 general law, including any general law that otherwise  
7 might be deemed inapplicable as a rule of proceeding  
8 under article III of the Constitution of the State of  
9 Iowa, section 9."

MICHAEL E. GRONSTAL

**S-3017**

1 Amend Senate Resolution 4 as follows:  
2 1. Page 5, by inserting after line 9 the  
3 following:  
4 "9A. A senator shall not solicit or use a  
5 contribution from any person for purposes of paying  
6 for expenses associated with duties of office or  
7 constituency services if the contribution has not  
8 first been received by the senator's candidate's  
9 committee."

ROBERT E. DVORSKY  
MARK SHEARER

PATRICK J. DELUHERY  
 JOE BOLKCOM  
 PATRICIA HARPER  
 JOHNIE HAMMOND  
 JOHN P. KIBBIE

### S-3018

1 Amend Senate Resolution 4 as follows:  
 2 1. Page 24, by inserting after line 8 the  
 3 following:  
 4 "d. Please list the name of each person from whom  
 5 you received a contribution for purposes of providing  
 6 revenue for an issue committee. For purposes of this  
 7 paragraph, an "issue committee" means a committee,  
 8 corporation, company, or association that is formed  
 9 for purposes of supporting or challenging an existing  
 10 law, administrative rule or agency action, or  
 11 executive order."

MATT McCOY  
 BETTY A. SOUKUP  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 PATRICIA HARPER  
 JOHNIE HAMMOND  
 JACK HOLVECK  
 JOHN P. KIBBIE  
 MICHAEL E. GRONSTAL

### S-3019

1 Amend Senate Resolution 4 as follows:  
 2 1. Page 5, by inserting after line 9 the  
 3 following:  
 4 "9A. FALSE OR MISLEADING POLITICAL ADVERTISING. A  
 5 senator shall not sponsor any published material on  
 6 behalf of or in opposition to any candidate or ballot  
 7 issue that contains any assertion, representation, or  
 8 statement of fact, including, but not limited to,  
 9 information concerning another candidate's prior  
 10 public record, which the senator knows to be untrue,  
 11 deceptive, or misleading.  
 12 For purposes of this rule, "published material"  
 13 means statements or graphic representations made  
 14 through any public medium which shall include, but is  
 15 not limited to, electronic media such as live or  
 16 prerecorded radio or television broadcasts, broadcasts  
 17 or transmissions through other publicly available  
 18 electronic communications, and video or audio tape  
 19 recordings which are publicly distributed; print

20 media, such as newspapers, pamphlets, folders, display  
 21 cards, signs, posters, and billboard advertisements;  
 22 or any other methods or mediums designed for publicly  
 23 advertising or publishing information.  
 24 For purposes of this rule, "sponsor" means to pay  
 25 for or take affirmative action to approve published  
 26 material and shall include a senator or a senator's  
 27 candidate's committee which knows and approves of an  
 28 independent expenditure made by another person under  
 29 section 56.13."  
 30 2. By renumbering as necessary.

STEVEN D. HANSEN  
 MATT McCOY  
 BETTY A. SOUKUP  
 JOE BOLKCOM  
 PATRICIA HARPER  
 JACK HOLVECK  
 MARK SHEARER  
 JOHN P. KIBBIE  
 MICHAEL E. GRONSTAL

### S-3020

1 Amend House File 103, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking lines 6 and 7 and  
 4 inserting the following: "shall clearly and  
 5 conspicuously include the statement, "Iowa is a right-  
 6 to-work and right-to-organize state.""

STEVEN D. HANSEN

### S-3021

1 Amend Senate File 115 as follows:  
 2 1. Title page, line 1, by striking the words  
 3 "relating to establishing" and inserting the  
 4 following: "providing for the establishment of".

NANCY BOETTGER

### S-3022

1 Amend Senate File 106 as follows:  
 2 1. Page 4, by striking lines 28 and 29, and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ Section 56.14, subsection 2, paragraph  
 5 a, Code 2001, is amended by striking the paragraph."  
 6 2. Page 9, by inserting after line 24 the  
 7 following:

8 "Sec. \_\_\_\_ Section 183A.7, unnumbered paragraph 3,  
9 Code 2001, is amended to read as follows:

10 From the moneys collected, deposited, and  
11 transferred to the council as provided in this  
12 chapter, the council shall first pay the costs of  
13 referendums held pursuant to this chapter. Of the  
14 moneys remaining, ~~at least ten percent shall be~~  
15 ~~remitted to the national livestock and meat board and~~  
16 ~~the pork industry group~~; at least twenty-five percent  
17 shall be remitted to the national pork producers  
18 council; and at least fifteen percent shall be  
19 remitted to the Iowa pork producers association, in  
20 the proportion the committee determines, for use by  
21 recipients in a manner not inconsistent with market  
22 development as defined in section 183A.1. Moneys  
23 remaining shall be spent as found necessary by the  
24 council to further carry out the provisions and  
25 purposes of this chapter."

26 3. Page 13, by inserting after line 19, the  
27 following:

28 "Sec. \_\_\_\_ Section 331.424A, subsection 4, Code  
29 2001, is amended to read as follows:

30 4. For the fiscal year beginning July 1, 1996, and  
31 for each subsequent fiscal year, the county shall  
32 certify a levy for payment of services. For each  
33 fiscal year, county revenues from taxes imposed by the  
34 county credited to the services fund shall not exceed  
35 an amount equal to the amount of base year  
36 expenditures for services as defined in section  
37 331.438, less the amount of property tax relief to be  
38 received pursuant to section 426B.2, in the fiscal  
39 year for which the budget is certified. The county  
40 auditor and the board of supervisors shall reduce the  
41 amount of the levy certified for the services fund by  
42 the amount of property tax relief to be received. A  
43 levy certified under this section is not subject to  
44 the appeal provisions of ~~sections~~ section 331.426 ~~and~~  
45 ~~444.25B~~ or to any other provision in law authorizing a  
46 county to exceed, increase, or appeal a property tax  
47 levy limit.

48 Sec. \_\_\_\_ Section 331.424B, Code 2001, is amended  
49 to read as follows:

50 331.424B CEMETERY LEVY.

Page 2

1 The board may levy annually a tax not to exceed six  
2 and three-fourths cents per thousand dollars of the  
3 assessed value of all taxable property in the county  
4 to repair and maintain all cemeteries under the  
5 jurisdiction of the board including pioneer cemeteries  
6 and to pay other expenses of the board or the cemetery

7 commission as provided in section 331.325. The  
 8 proceeds of the tax levy shall be credited to the  
 9 county general fund. Sections 444.25A and 444.25B do  
 10 not apply to the property tax levied or expended for  
 11 cemeteries pursuant to section 331.325."  
 12 4. By numbering, renumbering, and changing  
 13 internal references as necessary.

COMMITTEE ON JUDICIARY  
 O. GENE MADDOX, Chair

### S-3023

1 Amend House File 103, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking lines 6 and 7 and  
 4 inserting the following: "shall clearly and  
 5 conspicuously include the statement, "Iowa is the  
 6 state with the highest literacy rate in the nation.  
 7 Ninety percent of Iowa's schools score above the  
 8 fiftieth percentile on basic skills tests each year.  
 9 Each year, Iowa's students achieve top scores on  
 10 college entrance exams. The State of Iowa has and  
 11 will maintain extensive worker training programs to  
 12 prepare the current workforce and the workforce of  
 13 tomorrow. Current worker training programs in the  
 14 state train over twenty thousand workers each year.  
 15 According to statistics compiled by the Morgan Quitno  
 16 Press and the Kennedy School of Government at Harvard  
 17 University, Iowa has the second highest livability  
 18 rating among all states.""

MICHAEL E. GRONSTAL  
 ROBERT E. DVORSKY  
 MATT McCOY  
 JOHN P. KIBBIE  
 JACK HOLVECK  
 MARK SHEARER  
 THOMAS FIEGEN  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 BILL FINK  
 JOE BOLKCOM  
 PATRICIA HARPER  
 BETTY A. SOUKUP  
 JOHNIE HAMMOND  
 DICK L. DEARDEN  
 EUGENE S. FRAISE

**S-3024**

1 Amend House File 103, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 7 the  
4 following:

5 "Sec. \_\_\_\_ Section 91D.1, subsection 1, paragraphs  
6 a and d, Code 2001, are amended to read as follows:

7 a. The hourly wage stated in the federal minimum  
8 wage law, pursuant to 29 U.S.C. § 206, shall be  
9 increased to ~~\$3.85~~ \$5.65 on January 1, ~~of 1990, 2002,~~  
10 ~~\$4.25 on January 1 of 1991,~~ and ~~\$4.65 to \$6.15 on~~  
11 ~~January 1, of 1992~~ 2003.

12 d. An employer is not required to pay an employee  
13 the applicable minimum wage provided in paragraph "a"  
14 until the employee has completed ninety calendar days  
15 of employment with the employer. An employee who has  
16 completed ninety calendar days of employment with the  
17 employer prior to January 1, ~~of 1990~~ 2002, 1991, or  
18 ~~1992~~ January 1, 2003, shall earn the applicable hourly  
19 minimum wage. An employer shall pay an employee who  
20 has not completed ninety calendar days of employment  
21 with the employer an hourly wage of at least ~~\$3.35~~  
22 \$5.15 as of January 1, ~~of 1990~~ 2002, \$3.85 as of  
23 ~~January 1 of 1991,~~ and ~~\$4.25~~ \$5.65 as of January 1, ~~of~~  
24 ~~1992~~ 2003.

25 Sec. \_\_\_\_ Section 91D.1, subsection 2, Code 2001,  
26 is amended by striking the subsection."

27 2. Title page, line 3, by inserting after the  
28 word "development" the following: "and state-mandated  
29 wage rates".

30 3. By renumbering as necessary.

MARK SHEARER  
ROBERT E. DVORSKY  
MATT McCOY  
JOHN P. KIBBIE  
JACK HOLVECK  
THOMAS FIEGEN  
TOM FLYNN  
DICK L. DEARDEN  
JOHNNIE HAMMOND  
PATRICK J. DELUHERY  
MIKE CONNOLLY  
BILL FINK  
JOE BOLKCOM  
PATRICIA HARPER  
BETTY A. SOUKUP  
EUGENE S. FRAISE

**S-3025**

- 1 Amend House File 103, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 7 the  
4 following:  
5 "Sec. \_\_\_\_ Section 15A.1, Code 2001, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 4. In addition to the  
8 requirements of subsections 2 and 3, a state agency  
9 shall not provide a grant, loan, or other financial  
10 assistance to a private person or on behalf of a  
11 private person unless the business for whose benefit  
12 the financial assistance is to be provided pays at  
13 minimum a living wage to its employees. For purposes  
14 of this subsection, "living wage" means an hourly wage  
15 of no less than the annualized federal poverty level  
16 for a family of four, as defined by the most recently  
17 revised poverty income guidelines as published by the  
18 United States department of health and human services,  
19 divided by two thousand eighty. If any provision of  
20 this subsection, which relates to a living wage paid  
21 by a business applying for or receiving state  
22 financial assistance, is inconsistent or conflicts  
23 with other provisions of chapter 15 or this chapter,  
24 the provision that specifies the higher wage rate  
25 prevails."  
26 2. Title page, line 3, by inserting after the  
27 word "development" the following: "and state  
28 department financial assistance".  
29 3. By renumbering as necessary.

MATT McCOY  
JOHNIE HAMMOND  
BETTY A. SOUKUP  
PATRICIA HARPER  
JOE BOLKCOM  
MIKE CONNOLLY  
PATRICK J. DELUHERY  
TOM FLYNN  
DICK L. DEARDEN  
EUGENE S. FRAISE

**S-3026**

- 1 Amend Senate File 100 as follows:  
2 1. Page 2, by striking lines 6 and 7.

JOHNIE HAMMOND

**S-3027**

1 Amend Senate File 100 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 125.12, Code 2001, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 8. a. The department shall  
7 develop a risk assessment profile instrument for use  
8 by health care providers as defined in section 135.61  
9 to screen pregnant women for the presence of prenatal  
10 substance abuse.  
11 b. A health care provider who identifies a  
12 pregnant woman as being at risk for prenatal substance  
13 abuse may, with the woman's consent, refer the woman  
14 to the department for service coordination. The  
15 referral shall be made by providing the woman's name  
16 to the department within five working days of the date  
17 of identification. A woman's consent shall be deemed  
18 to be a waiver of the privilege attaching to  
19 confidential communications between a health care  
20 provider and patient.  
21 c. A civil or criminal cause of action shall not  
22 be made against a health care provider relating to the  
23 provider's rendering of or failure to render  
24 assessment and referral or other service under this  
25 subsection. A referral made under this subsection and  
26 any documentation associated with the referral shall  
27 not be used in any criminal prosecution. Any record  
28 or report regarding the pregnant woman shall be kept  
29 confidential by the person making the record or  
30 report.  
31 d. A pregnant woman referred to the department  
32 under this subsection shall be deemed to be a first  
33 priority user of substance abuse treatment services  
34 available through the department. The department  
35 shall ensure that family-oriented substance abuse  
36 treatment services are available to meet the needs of  
37 such pregnant women.  
38 e. The department of human services shall  
39 coordinate with the Iowa department of public health  
40 as necessary to provide for the temporary placement of  
41 the children of a pregnant woman who is receiving  
42 treatment services pursuant to a referral made under  
43 this subsection.  
44 f. A substance abuse treatment services provider  
45 that is receiving public funding shall not refuse to  
46 provide treatment to a woman solely because the woman  
47 is pregnant."  
48 2. Title page, by striking line 2 and inserting

49 the following: "for referral and treatment services."

50 3. By renumbering as necessary.

JOHNIE HAMMOND

**S-3028**

1 Amend Senate File 100 as follows:

2 1. By striking page 1, line 1 through page 2,

3 line 5 and inserting the following:

4 "Section 1. Section 125.12, Code 2001, is amended

5 by adding the following new subsections:

6 NEW SUBSECTION. 8. In addition to the program

7 components listed in subsection 2, the program shall

8 include a program of services for pregnant women and

9 postpartum women who are substance abusers and their

10 children. The department shall establish an office on

11 perinatal substance abuse to implement the program of

12 services.

13 a. The office of perinatal substance abuse may do

14 any of the following:

15 (1) Coordinate pilot projects and planning

16 projects funded by the state which are related to

17 perinatal substance abuse.

18 (2) Provide technical assistance to counties,

19 public entities, and private entities that are

20 attempting to address the problem of perinatal

21 substance abuse.

22 (3) Serve as a clearinghouse of information

23 regarding strategies and programs which address

24 perinatal substance abuse.

25 (4) Encourage innovative responses by public and

26 private entities that are attempting to address the

27 problem of perinatal substance abuse.

28 (5) Review proposals of, and develop proposals

29 for, state agencies regarding the funding of programs

30 relating to perinatal substance abuse.

31 b. The office on perinatal substance abuse shall

32 work closely with the council on chemically exposed

33 infants and children established in section 235C.1 in

34 implementing the program of services and in developing

35 a coordinated state strategy for addressing the needs

36 of pregnant women, postpartum women, and their

37 children for substance abuse treatment.

38 c. The coordinated state strategy shall address

39 the special needs of pregnant women and postpartum

40 women who are substance abusers. The special needs to

41 be addressed may include but are not limited to all

42 the following:

43 (1) Provision for medical services, which may

44 include but are not limited to any of the following:

45 (a) Low-risk and high-risk prenatal care.

- 46 (b) Pediatric follow-up care, including preventive
- 47 infant health care.
- 48 (c) Developmental follow-up care.
- 49 (d) Nutrition counseling.
- 50 (e) Methadone.

Page 2

- 1 (f) Testing and counseling relating to acquired
- 2 immune deficiency syndrome.
- 3 (g) Monthly visits with a physician and surgeon
- 4 who specializes in treating persons with chemical
- 5 dependencies.
- 6 (2) Provision for nonmedical services which may
- 7 include but are not limited to any of the following:
- 8 (a) Case management.
- 9 (b) Individual or group counseling sessions, which
- 10 occur at least once a week.
- 11 (c) Family counseling, including counseling
- 12 services for partners and children of the women.
- 13 (d) Health education services, including perinatal
- 14 chemical dependency classes, addressing topics that
- 15 include but are not limited to the effects of drugs on
- 16 infants, acquired immune deficiency syndrome,
- 17 addiction in the family, child development, nutrition,
- 18 self-esteem, and responsible decision making.
- 19 (e) Parenting classes.
- 20 (f) Adequate child care for participating women.
- 21 (g) Encouragement of active participation and
- 22 support by spouses, domestic partners, family members,
- 23 and friends.
- 24 (h) Opportunities for a women-only treatment
- 25 environment.
- 26 (i) Transportation to outpatient treatment
- 27 programs.
- 28 (j) Follow-up services, which may include but are
- 29 not limited to assistance with transition into housing
- 30 in a drug-free environment.
- 31 (k) Child development services.
- 32 (l) Educational and vocational services for women.
- 33 (m) Weekly urine testing.
- 34 (n) Special recruitment, training, and support
- 35 services for foster care parents of chemically exposed
- 36 infants.
- 37 (o) Outreach which reflects the cultural and
- 38 ethnic diversity of the population served.
- 39 NEW SUBSECTION. 9. A county may establish a
- 40 perinatal substance abuse coordinating council which
- 41 consists of persons who are experts in the areas of
- 42 substance abuse, client outreach and intervention with
- 43 women who are substance abusers, child welfare
- 44 services, maternal and child health services,

45 developmental services, and representatives from other  
46 community-based organizations. The county board of  
47 supervisors may select an agency or department of the  
48 county to be the lead agency for perinatal substance  
49 abuse efforts. The coordination efforts provided by  
50 the lead agency through the council may include but

Page 3

- 1 are not limited to the following:
- 2 a. The identification of the extent of the
- 3 perinatal substance abuse problem in the county based
- 4 on existing data.
- 5 b. The development of coordinated responses by
- 6 county health and social services agencies and
- 7 departments which address the problem of perinatal
- 8 substance abuse in the county.
- 9 c. The definition of the elements of an integrated
- 10 substance abuse recovery system for pregnant women,
- 11 postpartum women, and their children.
- 12 d. The identification of essential support
- 13 services to be included into the integrated recovery
- 14 system.
- 15 e. The promotion of communitywide understanding of
- 16 the perinatal substance abuse problem in the county
- 17 and appropriate responses.
- 18 f. The communication with policymakers at both the
- 19 state and federal level about substance abuse
- 20 prevention and treatment needs for pregnant women,
- 21 postpartum women, and their children.
- 22 g. The utilization of services which emphasize
- 23 coordination of treatment services with other health,
- 24 child welfare, child development, and education
- 25 services.
- 26 Sec. \_\_\_\_\_. REPORT. The office on perinatal
- 27 substance abuse created in this Act, in consultation
- 28 with the council on chemically exposed infants and
- 29 children, shall evaluate the effectiveness of the
- 30 coordinated state strategy for addressing the needs of
- 31 pregnant women, postpartum women, and their children
- 32 for substance abuse treatment and shall report its
- 33 findings to the general assembly on or before July 1,
- 34 2003."
- 35 2. Title page, by striking line 2 and inserting
- 36 the following: "for treatment services".
- 37 3. By renumbering as necessary.

PATRICIA HARPER

**S-3029**

1 Amend Senate File 62 as follows:  
2 1. Page 1, by inserting before line 1, the  
3 following:  
4 "Section 1. NEW SECTION. 2B.4B BEE HERD.  
5 1. As used in this section, unless the context  
6 otherwise requires, "bee" means any livestock capable  
7 of flight that customarily collects pollen.  
8 2. The state veterinarian shall designate a state  
9 bee bander and state bee brander to inspect each bee  
10 herd located in this state and conduct statistical  
11 testing of each herd to detect an incidence of  
12 positive reaction within a herd. A positive reaction  
13 includes any activity that indicates aggressive  
14 behavior.  
15 3. The bee bander shall band each bee that reacts  
16 positively to the test. Except as otherwise provided  
17 in this subsection, the band shall be snugly fitted  
18 below the knee of the left behind leg of the bee in a  
19 manner that does not cause significant discomfort or  
20 immobility, according to rules adopted by the  
21 department. The band shall be easily identifiable by  
22 a bee breeder. If the left behind leg of the bee  
23 becomes detached, the bee bander shall band the bee's  
24 right behind leg. If the right behind leg of the bee  
25 becomes detached, the bee brander shall brand the bee  
26 at the bee's base with the bee brander's bee brand  
27 easily identifiable by the bee breeder."  
28 2. By renumbering as necessary.

MIKE SEXTON

**S-3030**

1 Amend Senate File 62 as follows:  
2 1. Page 1, by inserting after line 17 the  
3 following:  
4 "Sec. \_\_\_\_\_. BEE IN GOOD HEALTH STUDY COMMITTEE.  
5 1. There is established a bee in good health study  
6 committee. The committee is composed of one member  
7 of the senate appointed by the president of the  
8 senate, after consultation with the majority leader  
9 and the minority leader of the senate. The member  
10 shall be a person who has demonstrated knowledge  
11 regarding bees, including value-added products  
12 produced from pollen.  
13 2. The committee shall cooperate with any official  
14 county health officer and the Iowa department of  
15 public health to enter upon premises where bees  
16 congregate in order to conduct complete personal

17 physical examinations of bees actively participating  
 18 in the study.  
 19 3. The committee shall report the findings of its  
 20 study to the senate by January 10, 2003. The  
 21 committee's report shall be made after a majority of  
 22 members present at a meeting approve the report. The  
 23 report shall include any practices that contribute to  
 24 good health among the active participants. The  
 25 committee shall designate a member to present the  
 26 report to standing committees of the senate. Active  
 27 participants in the study shall accompany the  
 28 designated member for a hands-on demonstration."  
 29 2. By renumbering as necessary.

MIKE SEXTON

**S-3031**

1 Amend Senate File 100 as follows:  
 2 1. Page 2, by striking lines 6 and 7 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ CONTINGENT EFFECTIVENESS. This Act  
 5 shall not take effect unless an appropriation is  
 6 enacted or the state's share of the cost of this Act  
 7 is specified in accordance with section 25B.2,  
 8 subsection 3."  
 9 2. By renumbering as necessary.

JOHNIE HAMMOND

**S-3032**

1 Amend Senate File 66 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 8.54, subsections 3 and 4,  
 5 Code 2001, are amended to read as follows:  
 6 3. Except as otherwise provided in this section,  
 7 the state general fund expenditure limitation for a  
 8 fiscal year shall be ninety-nine and thirty-one  
 9 hundredths percent of the adjusted revenue estimate.  
 10 4. The state general fund expenditure limitation  
 11 amount provided for in this section shall be used by  
 12 the governor in the preparation of the budget under  
 13 section 8.22 and by the general assembly in the budget  
 14 process. If a source for new revenues is proposed,  
 15 the budget revenue projection used for that new  
 16 revenue source for the period beginning on the  
 17 effective date of the new revenue source and ending in  
 18 the fiscal year in which the source is included in the  
 19 revenue base shall be an amount determined by

20 subtracting estimated tax refunds payable from the  
 21 projected revenue from that new revenue source,  
 22 multiplied by ninety-five and thirty-one hundredths  
 23 percent. If a new revenue source is established and  
 24 implemented, the original state general fund  
 25 expenditure limitation amount provided for in  
 26 subsection 3 shall be readjusted to include ninety-  
 27 five and thirty-one hundredths percent of the  
 28 estimated revenue from the new revenue source.

29 Sec. 2. Section 8.54, subsections 7 and 8, Code  
 30 2001, are amended by striking the subsections and  
 31 inserting in lieu thereof the following:

32 7. The governor shall transmit to the general  
 33 assembly, in accordance with section 8.21, a budget  
 34 which does not exceed the state general fund  
 35 expenditure limitation. The general assembly shall  
 36 pass a budget which does not exceed the state general  
 37 fund expenditure limitation. The governor shall not  
 38 transmit a budget with recommended appropriations in  
 39 excess of the state general fund expenditure  
 40 limitation and the general assembly shall not pass a  
 41 budget with appropriations in excess of the state  
 42 general fund expenditure limitation. In complying  
 43 with the requirements of this subsection, the governor  
 44 and the general assembly shall not rely on any  
 45 anticipated reversion of appropriations in order to  
 46 meet the state general fund expenditure limitation."

MICHAEL E. GRONSTAL

### S-3033

1 Amend Senate File 66 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 2.10, subsection 4, unnumbered  
 5 paragraph 1, Code 2001, is amended to read as follows:  
 6 The director of revenue and finance shall pay, from  
 7 moneys appropriated to the general assembly pursuant  
 8 to section 2.12, the travel and expenses of the  
 9 members of the general assembly commencing with the  
 10 first pay period after the names of such persons are  
 11 officially certified. The salaries of the members of  
 12 the general assembly shall be paid pursuant to any of  
 13 the following alternative methods:  
 14 Sec. \_\_\_\_. Section 2.10, subsection 6, Code 2001,  
 15 is amended to read as follows:  
 16 6. If a special session of the general assembly is  
 17 convened, members of the general assembly shall  
 18 receive, in addition to their annual salaries, the sum  
 19 of eighty-six dollars per day for each day the general  
 20 assembly is actually in special session, and the same

21 travel allowances and expenses as authorized by this  
 22 section which shall be payable from moneys  
 23 appropriated to the general assembly pursuant to  
 24 section 2.12. A member of the general assembly shall  
 25 receive the additional per diem, travel allowances and  
 26 expenses only for the days of attendance during a  
 27 special session.

28 Sec. \_\_\_\_ Section 2.11, unnumbered paragraph 1,  
 29 Code 2001, is amended to read as follows:

30 Each house of the general assembly may employ such  
 31 officers and employees as it ~~shall deem~~ deems  
 32 necessary for the conduct of its business. The  
 33 compensation of the chaplains, officers, and employees  
 34 of the general assembly shall be fixed by joint action  
 35 of the house and senate by resolution at the opening  
 36 of each session, or as soon ~~thereafter~~ after the  
 37 opening as conveniently can be done. Payment of the  
 38 compensation shall be from moneys appropriated to the  
 39 general assembly pursuant to section 2.12. Such  
 40 persons shall be furnished ~~by the state~~ such supplies  
 41 as may be necessary for the proper discharge of their  
 42 duties.

43 Sec. \_\_\_\_ Section 2.12, Code 2001, is amended to  
 44 read as follows:

45 2.12 EXPENSES OF GENERAL ASSEMBLY AND LEGISLATIVE  
 46 AGENCIES -- BUDGETS.

47 1. There is appropriated out of any funds in the  
 48 state treasury not otherwise appropriated a sum  
 49 sufficient to pay for The following expenses,  
 50 salaries, per diems, budgets, and other items shall be

Page 2

1 paid from appropriations made to the general assembly  
 2 for these purposes:

3 a. For legislative printing and all current and  
 4 miscellaneous expenses of the general assembly,  
 5 authorized by either the senate or the house, ~~and the,~~  
 6 The director of revenue and finance shall issue  
 7 warrants for such items of expense upon requisition of  
 8 the president, majority leader, and secretary of the  
 9 senate or the speaker and chief clerk of the house.

10 b. There is appropriated out of any funds in the  
 11 state treasury not otherwise appropriated, such sums  
 12 as are necessary, for For each house of the general  
 13 assembly for the payment of any unpaid expense of the  
 14 general assembly incurred during or in the interim  
 15 between sessions of the general assembly, including  
 16 but not limited to salaries and necessary travel and  
 17 actual expenses of members, expenses of standing and  
 18 interim committees or subcommittees, and per diem or  
 19 expenses for members of the general assembly who serve

20 on statutory boards, commissions, or councils for  
 21 which per diem or expenses are authorized by law. The  
 22 director of revenue and finance shall issue warrants  
 23 for such items of expense upon requisition of the  
 24 president, majority leader, and secretary of the  
 25 senate for senate ~~expense~~ expenses or the speaker and  
 26 chief clerk of the house for house ~~expense~~ expenses.

27 ~~c. There is appropriated out of any funds in the~~  
 28 ~~state treasury not otherwise appropriated, such sums~~  
 29 ~~as are necessary for~~ For the renovation, remodeling,  
 30 or preparation of the legislative chambers,  
 31 legislative offices, or other areas or facilities used  
 32 or to be used by the legislative branch of government,  
 33 and for the purchase of legislative equipment and  
 34 supplies deemed necessary to properly carry out the  
 35 functions of the general assembly. The director of  
 36 revenue and finance shall issue warrants for such  
 37 items of expense, whether incurred during or between  
 38 sessions of the general assembly, upon requisition of  
 39 the president, majority leader, and secretary of the  
 40 senate for senate ~~expense~~ expenses or the speaker and  
 41 chief clerk of the house for house ~~expense~~ expenses.

42 ~~d. There is appropriated out of any funds in the~~  
 43 ~~state treasury not otherwise appropriated such sums as~~  
 44 ~~may be necessary for~~ For the fiscal year budgets of  
 45 the legislative service bureau, the legislative fiscal  
 46 bureau, the citizens' aide office and the computer  
 47 support bureau for salaries, support, maintenance, and  
 48 miscellaneous purposes to carry out their statutory  
 49 responsibilities.

50 2. The director of revenue and finance shall issue

Page 3

1 warrants for salaries, support, maintenance, and  
 2 miscellaneous purposes upon requisition by the  
 3 administrative head of each statutory agency. The  
 4 legislative service bureau, the legislative fiscal  
 5 bureau, the citizens' aide office, and the computer  
 6 support bureau shall submit their proposed budgets to  
 7 the legislative council not later than September 1 of  
 8 each year. The legislative council shall review and  
 9 approve the proposed budgets not later than December 1  
 10 of each year. The legislative council on behalf of  
 11 the general assembly shall propose a budget for the  
 12 general assembly for the payment of expenses,  
 13 salaries, per diems, and other items for which the  
 14 general assembly is required to pay. The proposed  
 15 budget shall include a budget for both houses of the  
 16 general assembly. The budget approved by the  
 17 legislative council for each of its statutory  
 18 legislative agencies and its proposed budget for the

19 general assembly shall be transmitted by the  
20 legislative council to the department of management on  
21 or before December 1 of each year for the fiscal year  
22 beginning July 1 of the following year. The  
23 department of management shall submit the approved  
24 budgets received from the legislative council to the  
25 governor for review and revision as necessary for  
26 inclusion in the governor's proposed budget for the  
27 succeeding fiscal year. The approved and proposed  
28 budgets developed by the legislative council shall  
29 also be submitted to the chairpersons of the  
30 committees on appropriations. ~~The committees on~~  
31 ~~appropriations may allocate from the funds~~  
32 ~~appropriated by this section the funds contained in~~  
33 ~~the approved budgets, or such other amounts as~~  
34 ~~specified, pursuant to a concurrent resolution to be~~  
35 ~~approved by both houses of the general assembly. The~~  
36 ~~director of revenue and finance shall issue warrants~~  
37 ~~for salaries, support, maintenance, and miscellaneous~~  
38 ~~purposes upon requisition by the administrative head~~  
39 ~~of each statutory legislative agency. If the~~  
40 ~~legislative council elects to change the approved~~  
41 ~~budget for a legislative agency prior to July 1, the~~  
42 ~~legislative council shall transmit the amount of the~~  
43 ~~budget revision to the department of management prior~~  
44 ~~to July 1 of the fiscal year, however, if the general~~  
45 ~~assembly approved the budget it cannot be changed~~  
46 ~~except pursuant to a concurrent resolution approved by~~  
47 ~~the general assembly.~~

48 Sec. \_\_\_\_ Section 2.13, Code 2001, is amended to  
49 read as follows:

50 2.13 ISSUANCE OF WARRANTS.

Page 4

1 The director of revenue and finance shall also  
2 issue to each officer and employee of the general  
3 assembly, during legislative sessions or interim  
4 periods, upon vouchers signed by the president,  
5 majority leader, and secretary of the senate or the  
6 speaker and chief clerk of the house, warrants for the  
7 amount due for services rendered. The warrants shall  
8 be paid ~~out of any moneys in the treasury not~~  
9 ~~otherwise appropriated~~ from moneys appropriated to the  
10 general assembly pursuant to section 2.12.

11 Sec. \_\_\_\_ Section 2.104, Code 2001, is amended to  
12 read as follows:

13 2.104 BUDGET.

14 Expenses of the computer support bureau shall be  
15 paid upon approval of the director of the bureau from  
16 moneys appropriated to the general assembly pursuant  
17 to section 2.12. The budget of the computer support

18 bureau for each fiscal year shall be prepared by the  
19 director and submitted to the legislative council as  
20 provided in section 2.12.

21 Sec. \_\_\_\_ Section 2B.22, Code 2001, is amended to  
22 read as follows:

23 2B.22 APPROPRIATION.

24 ~~There is hereby appropriated out of any money in~~  
25 ~~the treasury not otherwise appropriated an amount~~  
26 ~~sufficient to defray all The expenses incurred in the~~  
27 carrying out of the provisions of this chapter shall  
28 be paid from moneys appropriated to the general  
29 assembly pursuant to section 2.12."

30 2. Page 1, by inserting after line 16 the  
31 following:

32 "Sec. \_\_\_\_ Section 17A.8, subsection 3, Code 2001,  
33 is amended to read as follows:

34 3. A committee member shall be paid the per diem  
35 specified in section 2.10, subsection 5, for each day  
36 in attendance and shall be reimbursed for actual and  
37 necessary expenses. ~~There is appropriated from money~~  
38 ~~in the general fund not otherwise appropriated an~~  
39 ~~amount sufficient to pay The costs incurred under this~~  
40 section shall be paid from moneys appropriated to the  
41 general assembly pursuant to section 2.12."

42 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

**S-3034**

1 Amend Senate File 66 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. SAVINGS ACCOUNT FUND APPROPRIATION.

5 There is appropriated from the general fund of the  
6 state to the department of education for the fiscal  
7 year beginning July 1, 2000, and ending June 30, 2001,  
8 the following amount, or so much thereof as is  
9 necessary, to be used for the purpose designated:

10 For deposit in the teacher compensation reform and  
11 student achievement savings account fund created in  
12 section 8.57B:

13 .....\$ 42,000,000

14 Notwithstanding section 8.33, moneys appropriated  
15 in this section shall not revert at the close of the  
16 fiscal year."

17 2. Page 1, line 6, by inserting after the word  
18 "limitation." the following: "The governor's budget  
19 transmitted in accordance with section 8.21 shall  
20 incorporate all other funds affecting directly or  
21 indirectly the condition of the general fund of the  
22 state, including but not limited to the funds created

23 in sections 8.55, 8.56, 8.57, 8.57A, and 8.57B."

24 3. Page 1, by inserting after line 16, the  
25 following:

26 "Sec. \_\_\_\_ NEW SECTION. 8.57B TEACHER  
27 COMPENSATION REFORM AND STUDENT ACHIEVEMENT SAVINGS  
28 ACCOUNT FUND.

29 1. A teacher compensation reform and student  
30 achievement savings account fund is created as a  
31 separate and distinct fund in the state treasury under  
32 the control of the department of education. Moneys in  
33 the fund in a fiscal year shall be used as directed by  
34 the general assembly for teacher compensation reform  
35 and student achievement activities approved by the  
36 Seventy-ninth General Assembly, First Regular Session,  
37 or by future general assemblies.

38 2. Revenue for the teacher compensation reform and  
39 student achievement savings account fund shall be  
40 deposited with the treasurer of state and credited to  
41 the fund and shall include, but is not limited to,  
42 moneys in the form of a devise, gift, bequest,  
43 donation, federal or other grant, reimbursement,  
44 repayment, judgment, transfer, payment, or  
45 appropriation from any source intended to be used for  
46 the purposes of the fund.

47 3. Notwithstanding section 8.33, moneys  
48 appropriated for deposit in the teacher compensation  
49 reform and student achievement savings account fund  
50 shall not revert but shall remain available for

Page 2

1 expenditure as directed by the general assembly in  
2 appropriations made from the fund.

3 Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed  
4 of immediate importance, takes effect upon enactment."

5 4. Title page, line 4, by inserting after the  
6 word "assembly" the following: ", making an  
7 appropriation, and providing an effective date".

MIKE CONNOLLY

**S-3035**

1 Amend Senate File 66 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. SAVINGS ACCOUNT FUND APPROPRIATION.

5 There is appropriated from the general fund of the  
6 state to the department of education for the fiscal  
7 year beginning July 1, 2001, and ending June 30, 2002,  
8 the following amount, or so much thereof as is  
9 necessary, to be used for the purpose designated:

10 For deposit in the teacher compensation reform and  
 11 student achievement savings account fund created in  
 12 section 8.57B:  
 13 .....\$ 42,000,000

14 Notwithstanding section 8.33, moneys appropriated  
 15 in this section shall not revert at the close of the  
 16 fiscal year."

17 2. Page 1, line 6, by inserting after the word  
 18 "limitation." the following: "The governor's budget  
 19 transmitted in accordance with section 8.21 shall  
 20 incorporate all other funds affecting directly or  
 21 indirectly the condition of the general fund of the  
 22 state, including but not limited to the funds created  
 23 in sections 8.55, 8.56, 8.57, 8.57A, and 8.57B."

24 3. Page 1, by inserting after line 16, the  
 25 following:

26 "Sec. \_\_\_\_ NEW SECTION. 8.57B TEACHER  
 27 COMPENSATION REFORM AND STUDENT ACHIEVEMENT SAVINGS  
 28 ACCOUNT FUND.

29 1. A teacher compensation reform and student  
 30 achievement savings account fund is created as a  
 31 separate and distinct fund in the state treasury under  
 32 the control of the department of education. Moneys in  
 33 the fund in a fiscal year shall be used as directed by  
 34 the general assembly for teacher compensation reform  
 35 and student achievement activities approved by the  
 36 Seventy-ninth General Assembly, First Regular Session,  
 37 or by future general assemblies.

38 2. Revenue for the teacher compensation reform and  
 39 student achievement savings account fund shall be  
 40 deposited with the treasurer of state and credited to  
 41 the fund and shall include, but is not limited to,  
 42 moneys in the form of a devise, gift, bequest,  
 43 donation, federal or other grant, reimbursement,  
 44 repayment, judgment, transfer, payment, or  
 45 appropriation from any source intended to be used for  
 46 the purposes of the fund.

47 3. Notwithstanding section 8.33, moneys  
 48 appropriated for deposit in the teacher compensation  
 49 reform and student achievement savings account fund  
 50 shall not revert but shall remain available for

Page 2

1 expenditure as directed by the general assembly in  
 2 appropriations made from the fund."

3 4. Title page, line 4, by inserting after the  
 4 word "assembly" the following: "and making an  
 5 appropriation".

**S-3036**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding designated for the vision Iowa program  
5 established in section 15F.302, in".

THOMAS FIEGEN

**S-3037**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding designated for immigration service  
5 centers, in".

PATRICK J. DELUHERY

**S-3038**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding for school on-time funding budget  
5 adjustments, in".

ROBERT E. DVORSKY

**S-3039**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding designated for the university of  
5 northern Iowa, in".

PATRICIA HARPER

**S-3040**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding designated for the Iowa veterans home,  
5 in".

JOHNIE HAMMOND

**S-3041**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding designated for restoration of the  
5 capitol, in".

MATT McCOY

**S-3042**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, by inserting after line 16 the  
3 following:  
4 "Sec. 100. PILOT PROJECT FOR REFUND OF PROCESSING  
5 FEES.  
6 1. As used in this section:  
7 a. "Customer" means a person paying a fee as  
8 provided in paragraph "c", as part of an application  
9 for the issuance of a renewed license or certification  
10 by a participating agency.  
11 b. "Participating agency" means the Iowa  
12 department of public health or the professional  
13 licensing division of the department of commerce that  
14 elects to participate in the pilot project as provided  
15 in subsection 2.  
16 c. "Processing fee" means a fee that is required  
17 to be paid to a participating agency as follows:  
18 (1) The Iowa department of public health for  
19 issuing a renewed emergency medical care provider  
20 certification pursuant to section 147A.6 for which a  
21 fee is required pursuant to rules adopted by the  
22 department under section 147A.4.  
23 (2) The professional licensing division, for  
24 issuing any of the following:  
25 (a) The renewal of a certificate of licensure as a  
26 professional engineer pursuant to section 542B.18 for  
27 which a fee is required pursuant to section 542B.30.  
28 (b) The renewal of a license to practice as an  
29 accounting practitioner pursuant to section 542C.20  
30 for which a fee is required pursuant to section  
31 542C.15.  
32 (c) The renewal of a license as a real estate  
33 broker or real estate salesperson pursuant to section  
34 543B.28 for which a fee is required pursuant to  
35 section 543B.27.  
36 (d) The renewal of a certification as a real  
37 estate appraiser pursuant to section 543D.7 for which  
38 a fee is required pursuant to section 543D.6.  
39 (e) The renewal of a certificate of registration

40 as an architect pursuant to section 544A.10 for which  
41 a fee is required pursuant to section 544A.11.  
42 (f) The renewal of a certificate of registration  
43 as a landscape architect pursuant to section 544B.13  
44 for which a fee is required pursuant to section  
45 544B.14.  
46 2. The department of management in cooperation  
47 with a participating agency may establish a pilot  
48 project for the refund of all or a portion of  
49 processing fees paid by customers. The following  
50 shall apply to a participating agency:

Page 2

1 a. The participating agency shall refund all or a  
2 portion of a processing fee to a customer if the  
3 participating agency fails to issue a license or  
4 certification in a manner and within a period of time  
5 customary for issuing similar licenses and  
6 certifications.  
7 b. The participating agency is not required to  
8 refund any amount of a processing fee if the failure  
9 to issue a license or certification is primarily  
10 caused by the customer, including the customer's  
11 failure to comply with legal requirements, furnish a  
12 completed application or document, or cooperate with  
13 the participating agency as required by the  
14 participating agency.  
15 3. Each participating agency shall adopt rules  
16 pursuant to chapter 17A necessary in order to  
17 administer this section. The participating agencies  
18 shall cooperate in order to develop simple common  
19 procedures for providing refunds, which may include a  
20 uniform refund form. The agencies may cooperate with  
21 the general assembly's joint oversight and  
22 communications appropriations subcommittee or other  
23 appropriate committee or subcommittee in carrying out  
24 this section.  
25 4. Each participating agency shall prepare a  
26 report to the department of management. The report  
27 shall analyze the administration of the pilot project,  
28 including its effect on administrative efficiency, the  
29 collection of revenue, and customer reactions. The  
30 reports shall be delivered to the department of  
31 management not later than November 1, 2002. The  
32 department of management shall compile the reports and  
33 include any findings or recommendations by the  
34 department. The department's compiled report shall be  
35 delivered to the governor and general assembly not  
36 later than January 10, 2003.  
37 Sec. \_\_\_\_. Section 100 of this Act, enacting a  
38 pilot project for refund of processing fees, is

- 39 repealed January 11, 2003."  
 40 2. By renumbering as necessary.

JOE BOLKCOM

**S-3043**

- 1 Amend Senate File 66 as follows:  
 2 1. Page 1, line 12, by striking the word "In" and  
 3 inserting the following: "Except as necessary to  
 4 provide funding designated for the center for  
 5 excellence in fundamental plant sciences at Iowa state  
 6 university of science and technology, in".

JOHNIE HAMMOND

**S-3044**

- 1 Amend Senate File 66 as follows:  
 2 1. Page 1, line 12, by striking the word "In" and  
 3 inserting the following: "Except as necessary to  
 4 provide funding for a budget adjustment for  
 5 school districts with declining enrollment, in".

BETTY A. SOUKUP

**S-3045**

- 1 Amend Senate File 66 as follows:  
 2 1. Page 1, line 12, by striking the word "In" and  
 3 inserting the following: "Except as necessary to  
 4 provide funding designated for foster care and other  
 5 child welfare services, in".

THOMAS FIEGEN

**S-3046**

- 1 Amend Senate File 66 as follows:  
 2 1. Page 1, line 12, by striking the word "In" and  
 3 inserting the following: "Except as necessary to  
 4 provide funding designated for lake dredging, in".

DENNIS H. BLACK

**S-3047**

- 1 Amend Senate File 66 as follows:  
 2 1. Page 1, line 12, by striking the word "In" and  
 3 inserting the following: "Except as necessary to

- 4 provide funding designated for water quality
- 5 activities, in".

DENNIS H. BLACK

**S-3048**

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for class size reduction in
- 5 school programs, in".

JACK HOLVECK

**S-3049**

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for department of human
- 5 services child abuse assessment staff, in".

JOHNIE HAMMOND

**S-3050**

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for community empowerment
- 5 areas, family support programs, programs for at-risk
- 6 children, and other early childhood programs, in".

ROBERT E. DVORSKY

**S-3051**

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for sex offender registry
- 5 and treatment costs, in".

ROBERT E. DVORSKY

**S-3052**

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and

- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for the braille and sight
- 5 saving school or the school for the deaf, in".

MICHAEL E. GRONSTAL

**S-3053**

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for homemaker-home health
- 5 aide services, in".

THOMAS FIEGEN

**S-3054**

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for support and promotion
- 5 of ethanol and other alternative fuels, in".

JOHN P. KIBBIE

**S-3055**

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding designated for a program or purpose
- 5 which will draw down federal funding, in".

TOM FLYNN

**S-3056**

- 1 Amend Senate File 66 as follows:
- 2 1. Page 1, line 12, by striking the word "In" and
- 3 inserting the following: "Except as necessary to
- 4 provide funding for the establishment of the state
- 5 percent of growth for purposes of the state school
- 6 foundation program under section 257.8, in".

MIKE CONNOLLY

**S-3057**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding designated for economic development  
5 purposes, in".

TOM FLYNN  
MARK SHEARER

**S-3058**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding designated for the operation of adult  
5 correctional facilities, in".

ROBERT E. DVORSKY  
EUGENE S. FRAISE  
MARK SHEARER

**S-3059**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding designated for teacher salaries, in".

BILL FINK

**S-3060**

- 1 Amend Senate File 66 as follows:  
2 1. Page 1, line 12, by striking the word "In" and  
3 inserting the following: "Except as necessary to  
4 provide funding designated for the child protection  
5 system, in".

PATRICIA HARPER

**S-3061**

- 1 Amend Senate File 126 as follows:  
2 1. Title page, line 1, by striking the words  
3 "state banks" and inserting the following: "banks in  
4 Iowa".

NEAL SCHUERER

**S-3062**

- 1 Amend Senate File 139 as follows:  
 2 1. Page 1, by inserting after line 22 the  
 3 following:  
 4 "aa. For a child who is eighteen years of age to  
 5 complete a treatment program."  
 6 2. Page 1, lines 28 and 29, by striking the words  
 7 "or to complete a treatment program.".

JOHNIE HAMMOND  
 THOMAS FIEGEN

**S-3063**

- 1 Amend Senate File 62 as follows:  
 2 1. Page 1, by inserting after line 17, the  
 3 following:  
 4 "Sec. \_\_\_. 2B.4U APPLICATION REQUIREMENTS FOR  
 5 HONEY KEEPERS.  
 6 Each person applying to be a honey keeper shall  
 7 file a document as required in this section on the  
 8 effective date of this Act. The document shall  
 9 include a stylized representation of the structure  
 10 associated with honey keeping, consisting of cells  
 11 that perform functions related to circulation. The  
 12 filed document shall be signed by the applicant and  
 13 may be accompanied with pollen producing plants  
 14 cultivated for their blossoms and associated with  
 15 honey. The document shall include an acknowledgement  
 16 of the document's recipient, which may include the  
 17 following notice: honey bee mine.  
 18 Sec. \_\_\_. EFFECTIVE DATE. This Act takes effect  
 19 on February 14, 2001."

MERLIN E. BARTZ

**S-3064**

- 1 Amend Senate File 62 as follows:  
 2 1. Page 1, by inserting after line 17 the  
 3 following:  
 4 "Sec. \_\_\_. EFFECTIVE DATE. This Act shall take  
 5 effect on the enactment date of an Act permanently  
 6 designating the city of Sioux City, Iowa, as the  
 7 "Honey Capital of Iowa."  
 8 2. Title page, line 2, by inserting after the  
 9 word "residences" the following: "and providing an  
 10 effective date".  
 11 3. By renumbering as necessary.

STEVEN D. HANSEN

**S-3065**

- 1 Amend Senate File 98 as follows:  
 2 1. Page 1, by inserting after line 12 the  
 3 following:  
 4 "Sec. 100. Section 96.7, subsection 12, paragraph  
 5 d, Code 2001, is amended to read as follows:  
 6 d. This subsection is repealed July 1, ~~2001~~ 2004,  
 7 and the repeal is applicable to contribution rates for  
 8 calendar year ~~2002~~ 2005 and subsequent calendar years.  
 9 Sec. \_\_\_\_ EFFECTIVE DATE. Section 100 of this Act  
 10 takes effect June 30, 2001."  
 11 2. Title page, line 3, by inserting after the  
 12 word "disaster" the following: "and by continuing the  
 13 employment security administrative contribution  
 14 surcharge and providing an effective date".  
 15 3. By renumbering as necessary.

MARK SHEARER  
 BETTY A. SOUKUP  
 JOHNNIE HAMMOND  
 PATRICIA HARPER  
 BILL FINK  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 MATT McCOY  
 MICHAEL E. GRONSTAL  
 JOHN P. KIBBIE

**S-3066**

- 1 Amend Senate File 62 as follows:  
 2 1. Page 1, by inserting after line 17 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 137F.2, subsection 6, Code  
 5 2001, is amended to read as follows:  
 6 6. 3-201.11(B) shall be amended to allow ~~food~~ all  
 7 of the following:  
 8 a. Food that is prepared by a home food  
 9 establishment licensed under chapter 137D to be used  
 10 or offered for sale.  
 11 b. Honey that is stored; prepared, including by  
 12 placement in a container; or labeled on or distributed  
 13 from the premises of a residence."  
 14 2. By renumbering as necessary.

MARK ZIEMAN

**S-3067**

- 1 Amend Senate File 100 as follows:  
2 1. Page 2, line 5, by inserting after the word  
3 "officer." the following: "The respondent shall not  
4 be released until the treatment to preserve the  
5 respondent's life or to appropriately control the  
6 respondent's behavior has been satisfactorily  
7 completed."

ROBERT E. DVORSKY

**S-3068**

- 1 Amend Senate File 100 as follows:  
2 1. Page 1, line 34, by striking the word "may"  
3 and inserting the following: "may shall".

ROBERT E. DVORSKY  
JOHNIE HAMMOND

**S-3069**

- 1 Amend Senate File 100 as follows:  
2 1. Page 1, line 2, by striking the word  
3 "paragraph" and inserting the following:  
4 "paragraphs".  
5 2. Page 1, by inserting after line 7 the  
6 following:  
7 "d. If the person is alleged or claims to be the  
8 biological father of an unborn child of a pregnant  
9 woman with whom the person is cohabitating, the person  
10 has a history of substance abuse or domestic abuse,  
11 and habitually lacks self-control as to the use of  
12 chemical substances to the extent that the person is  
13 likely to seriously endanger the person's health, or  
14 to physically injure the person's self, the pregnant  
15 woman, the pregnant woman's fetus, or others, if  
16 allowed to remain at liberty without treatment."  
17 3. Page 1, line 15, by striking the word "or" and  
18 inserting the following: "or".  
19 4. Page 1, line 17, by inserting after the word  
20 "liberty," the following: "or if a person  
21 cohabitating with a pregnant woman as described in  
22 section 125.2, subsection 4, paragraph "d", is likely  
23 to injure the person's self, the pregnant woman, the  
24 pregnant woman's fetus, or others, if allowed to  
25 remain at liberty".  
26 5. Page 2, line 3, by striking the word "or" and  
27 inserting the following: "or".  
28 6. Page 2, line 4 by inserting after the word

29 "others" the following: ", or if a person  
30 cohabitating with a pregnant woman, as described in  
31 section 125.2, subsection 4, paragraph "d", to the  
32 respondent's self, the pregnant woman, the pregnant  
33 woman's fetus, or others.".

ROBERT E. DVORSKY  
JOHNIE HAMMOND

### S-3070

1 Amend Senate File 149 as follows:  
2 1. Page 1, by striking lines 33 and 34 and  
3 inserting the following: "tank."

JEFF ANGELO

### S-3071

1 Amend Senate File 211 as follows:  
2 1. Page 1, line 27, by striking the word  
3 "thoroughbred" and inserting the following:  
4 "~~thoroughbred~~".

SANDRA GREINER

### S-3072

1 Amend Senate File 103 as follows:  
2 1. Page 2, line 9, by striking the word "bylaws"  
3 and inserting the following: "bylaws articles of  
4 incorporation".

JOHN W. JENSEN

### S-3073

1 Amend Senate File 165 as follows:  
2 1. Page 2, by inserting after line 20 the  
3 following:  
4 "i. Any oral or written communications,  
5 examinations, or publications produced or utilized by  
6 a driver's license station, provided public safety is  
7 not jeopardized."

COMMITTEE ON STATE GOVERNMENT  
STEVE KING, Chair

**S-3074**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 34, line 11, by striking the figure "6,".
- 3 2. By striking page 35, line 33, through page 36,
- 4 line 8.
- 5 3. By renumbering as necessary.

THOMAS FIEGEN

**S-3075**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "g,".
- 3 2. Page 31, by striking lines 28 through 34.
- 4 3. By renumbering as necessary.

THOMAS FIEGEN

**S-3076**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 8, by striking the words and
- 3 figure "and subsection 5, are" and inserting the
- 4 following: "is".
- 5 2. Page 30, by striking lines 14 through 17.
- 6 3. By renumbering as necessary.

ROBERT E. DVORSKY

**S-3077**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, by striking line 8 and inserting the
- 3 following: "subsection 5, is".
- 4 2. Page 30, by striking lines 10 through 13.
- 5 3. By renumbering as necessary.

ROBERT E. DVORSKY

**S-3078**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "a,".
- 3 2. Page 30, by striking lines 21 through 27.
- 4 3. By renumbering as necessary.

BETTY A. SOUKUP

**S-3079**

- 1 Amend Senate File 267 as follows:  
2 1. Page 34, by striking line 11 and inserting the  
3 following: "subsection 3, are amended to read as  
4 follows:"  
5 2. Page 35, by striking lines 7 through 15 and  
6 inserting the following:  
7 "Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1229, section  
8 15, subsection 4, paragraph b, is amended to read as  
9 follows:"  
10 3. Page 35, by inserting before line 24 the  
11 following:  
12 "Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1229, section  
13 15, subsections 5, 6, and 7, are amended to read as  
14 follows:"  
15 4. By renumbering as necessary.

TOM FLYNN

**S-3080**

- 1 Amend Senate File 267 as follows:  
2 1. Page 34, by striking line 11 and inserting the  
3 following: "subsection 3, are amended to read as  
4 follows:"  
5 2. Page 35, by inserting before line 7 the  
6 following:  
7 "Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1229, section  
8 15, subsection 4, paragraph a, is amended to read as  
9 follows:"  
10 3. Page 35, by striking lines 16 through 23 and  
11 inserting the following:  
12 "Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1229, section  
13 15, subsections 5, 6, and 7, are amended to read as  
14 follows:"  
15 4. By renumbering as necessary.

TOM FLYNN

**S-3081**

- 1 Amend Senate File 267 as follows:  
2 1. Page 32, by striking lines 13 through 35.  
3 2. By renumbering as necessary.

JOHNIE HAMMOND

**S-3082**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "f".
- 3 2. Page 31, by striking lines 21 through 27.
- 4 3. By renumbering as necessary.

ROBERT E. DVORSKY  
WALLY E. HORN

**S-3083**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "h".
- 3 2. By striking page 31, line 35, through page 32,
- 4 line 6.
- 5 3. By renumbering as necessary.

MARK SHEARER

**S-3084**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 33, by striking lines 1 through 10.
- 3 2. By renumbering as necessary.

MARK SHEARER

**S-3085**

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 29, line 22 through page 30,
- 3 line 6.
- 4 2. By renumbering as necessary.

EUGENE S. FRAISE  
MARK SHEARER

**S-3086**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "c".
- 3 2. By striking page 30, line 35, through page 31,
- 4 line 6.
- 5 3. By renumbering as necessary.

STEVEN D. HANSEN

**S-3087**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 28, by striking lines 28 through 34.
- 3 2. By renumbering as necessary.

JOHNIE HAMMOND

**S-3088**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "b,".
- 3 2. Page 30, by striking lines 28 through 34.
- 4 3. By renumbering as necessary.

JOHNIE HAMMOND  
BETTY A. SOUKUP**S-3089**

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 33, line 34 through page 34,
- 3 line 7.
- 4 2. By renumbering as necessary.

PATRICIA HARPER

**S-3090**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 33, by striking lines 11 through 23.
- 3 2. By renumbering as necessary.

JACK HOLVECK

**S-3091**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "e,".
- 3 2. Page 31, by striking lines 14 through 20.
- 4 3. By renumbering as necessary.

JACK HOLVECK

**S-3092**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 34, line 11, by striking the figure "5,".

- 3 2. Page 35, by striking lines 24 through 32.
- 4 3. By renumbering as necessary.

PATRICIA HARPER

**S-3093**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 34, by striking line 10.
- 3 2. Page 34, by striking lines 12 through 27.
- 4 3. By renumbering as necessary.

STEVEN D. HANSEN

**S-3094**

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 27, line 32 through 28, line
- 3 10.
- 4 2. By renumbering as necessary.

TOM FLYNN

**S-3095**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 28, by striking lines 12 through 27.
- 3 2. By renumbering as necessary.

JACK HOLVECK

**S-3096**

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 28, line 35 through page 29,
- 3 line 13.
- 4 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

**S-3097**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 30, line 19, by striking the letter "d".
- 3 2. Page 31, by striking lines 7 through 13.
- 4 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

**S-3098**

- 1 Amend Senate File 267 as follows:  
2 1. Page 15, line 34, by striking the word and  
3 figures "7, 16, and 23" and inserting the following:  
4 "7 and 23".  
5 2. By striking page 16, line 7, through page 17,  
6 line 3.  
7 3. By renumbering as necessary.

MIKE CONNOLLY

**S-3099**

- 1 Amend Senate File 267 as follows:  
2 1. Page 15, line 34, by striking the word and  
3 figures "7, 16, and 23" and inserting the following:  
4 "16 and 23".  
5 2. By striking page 15, line 35, through page 16,  
6 line 6.  
7 3. By renumbering as necessary.

PATRICK J. DELUHERY

**S-3100**

- 1 Amend Senate File 267 as follows:  
2 1. Page 18, by striking lines 20 through 32.  
3 2. By renumbering as necessary.

MIKE CONNOLLY

**S-3101**

- 1 Amend Senate File 267 as follows:  
2 1. Page 15, by striking lines 14 through 23.  
3 2. By renumbering as necessary.

MIKE CONNOLLY

**S-3102**

- 1 Amend Senate File 267 as follows:  
2 1. Page 18, by striking lines 10 through 19.  
3 2. By renumbering as necessary.

ROBERT E. DVORSKY

**S-3103**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 15, line 34, by striking the word and
- 3 figures "7, 16, and 23" and inserting the following:
- 4 "7 and 16".
- 5 2. By striking page 17, line 4, through page 18,
- 6 line 8.
- 7 3. By renumbering as necessary.

JOHN P. KIBBIE  
STEVEN D. HANSEN

**S-3104**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 15, by striking lines 3 through 12.
- 3 2. By renumbering as necessary.

MIKE CONNOLLY

**S-3105**

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 19, line 27, through page 20,
- 3 line 1.
- 4 2. By renumbering as necessary.

PATRICIA HARPER

**S-3106**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 19, by striking lines 16 through 26.
- 3 2. By renumbering as necessary.

JOHNIE HAMMOND

**S-3107**

- 1 Amend Senate File 267 as follows:
- 2 1. By striking page 18, line 33, through page 19,
- 3 line 15.
- 4 2. By renumbering as necessary.

ROBERT E. DVORSKY  
JOE BOLKCOM

**S-3108**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 20, by striking lines 2 through 7.
- 3 2. By renumbering as necessary.

STEVEN D. HANSEN  
PATRICK J. DELUHERY

**S-3109**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 15, by striking lines 24 through 32.
- 3 2. By renumbering as necessary.

BILL FINK

**S-3110**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 33, line 24, by striking the words "--
- 3 MILITARY DIVISION".
- 4 2. Page 33, by striking lines 25 through 33.
- 5 3. By renumbering as necessary.

ROBERT E. DVORSKY

**S-3111**

- 1 Amend Senate File 267 as follows:
- 2 1. Page 36, by striking lines 29 through 34.
- 3 2. By renumbering as necessary.

ROBERT E. DVORSKY

**S-3112**

- 1 Amend Senate File 57 as follows:
- 2 1. Page 1, by striking lines 10 through 14, and
- 3 inserting the following: "purpose before the next
- 4 regular city election. However, the city council may
- 5 dispense with such election as to the grant,
- 6 amendment, extension, or renewal of an electric light
- 7 and power, heating, or gasworks franchise unless there
- 8 is a valid petition requesting submission of the
- 9 proposal to the voters, or the party seeking such
- 10 franchise, grant, amendment, extension, or renewal
- 11 requests an election. If a majority of those".

COMMITTEE ON LOCAL GOVERNMENT  
DAVID MILLER, Chair

**S-3113**

- 1 Amend Senate File 170 as follows:  
 2 1. Page 1, by striking lines 1 through 13 and  
 3 inserting the following:  
 4 "Section 1. Section 92.6, Code 2001, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 10. Health care provider  
 7 occupations involving routine exposure or handling of  
 8 blood borne pathogens."  
 9 2. Page 1, line 19, by inserting after the word  
 10 "services," the following: "notwithstanding section  
 11 92.8, subsection 18,".  
 12 3. Page 1, line 19, by inserting after the word  
 13 "hospital," the following: "hospice,".  
 14 4. Page 1, lines 20 and 21, by striking the words  
 15 "the minimum hours of training set forth in" and  
 16 inserting the following: "training consistent with".

NEAL SCHUERER

**S-3114**

- 1 Amend Senate File 222 as follows:  
 2 1. Page 1, line 9, by striking the word "ten" and  
 3 inserting the following: "eight".

JEFF ANGELO  
 TOM FLYNN  
 JEFF LAMBERTI  
 O. GENE MADDOX

**S-3115**

- 1 Amend Senate File 164 as follows:  
 2 1. Page 1, line 5, by inserting after the word  
 3 "services." the following: "A portion of the battle  
 4 flag collection shall remain at the state capitol at  
 5 all times."

PAUL MCKINLEY

**S-3116**

- 1 Amend Senate File 222 as follows:  
 2 1. Page 1, line 3, by inserting after the word  
 3 "PROPERTY." the following: "a."  
 4 2. Page 1, by inserting after line 15 the  
 5 following:  
 6 "b. This subsection shall not apply to the  
 7 following:

8 (1) The intentional or reckless disregard of  
 9 design plans, specifications, or building codes,  
 10 including but not limited to the substitution of  
 11 specified materials without the knowledge of the  
 12 purchaser.  
 13 (2) Fraud or misrepresentation.  
 14 (3) Breach of express warranty or guarantee.  
 15 (4) Defective products.  
 16 (5) Waiver of the provisions of this subsection by  
 17 contract of the parties.  
 18 (6) Prolonged exposure to hazardous waste; removal  
 19 or encapsulation of asbestos; or application of  
 20 environmental remediation.  
 21 (7) Actions brought by the state or any  
 22 governmental subdivision, including but not limited to  
 23 any county, city, school district, or municipality.  
 24 (8) Willful misconduct, gross negligence, or  
 25 fraudulent concealment of defects.  
 26 (9) Improvements to real property made prior to  
 27 the effective date of this Act."

THOMAS FIEGEN

### S-3117

1 Amend Senate File 276 as follows:  
 2 1. Page 5, by striking lines 12 through 17.  
 3 2. By striking page 6, line 35, through page 7,  
 4 line 5, and inserting the following:  
 5 "1. A person shall not sell, solicit, or negotiate  
 6 insurance in this state for any line of insurance  
 7 unless the person is licensed as an insurance producer  
 8 for that line of insurance as provided in this  
 9 chapter.  
 10 2. A person offering to the public, for a fee or  
 11 commission, to engage in the business of offering any  
 12 advice, counsel, or service with respect to the  
 13 benefits, advantages, or disadvantages promised under  
 14 any policy of insurance must also be licensed as an  
 15 insurance producer."  
 16 3. By renumbering as necessary.

JOANN JOHNSON

### S-3118

1 Amend Senate File 170 as follows:  
 2 1. Page 1, by striking lines 1 through 13 and  
 3 inserting the following:  
 4 "Section 1. Section 92.6, Code 2001, is amended by  
 5 adding the following new subsection:

- 6 NEW SUBSECTION. 10. Health care provider  
 7 occupations involving routine exposure or handling of  
 8 blood borne pathogens."  
 9 2. Page 1, line 19, by inserting after the word  
 10 "hospital," the following: "hospice,".  
 11 3. Page 1, line 20, by inserting after the word  
 12 "as" the following: "such work does not violate the  
 13 provisions of section 92.8, subsection 18, and".  
 14 4. Page 1, lines 20 and 21, by striking the words  
 15 "the minimum hours of training set forth in" and  
 16 inserting the following: "training consistent with".

NEAL SCHUERER  
 THOMAS FIEGEN

### S-3119

- 1 Amend House File 352, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 5, by inserting after the word  
 4 "with" the following: "the department of veterans  
 5 affairs and".  
 6 2. Page 1, line 7, by inserting after the word  
 7 "times" the following: "during restoration, and the  
 8 entire battle flag collection shall remain at the  
 9 state capitol after restoration".  
 10 3. By renumbering as necessary.

RICHARD F. DRAKE  
 JOHN P. KIBBIE  
 DICK L. DEARDEN  
 MARK SHEARER  
 JOHN W. JENSEN

### S-3120

- 1 Amend House File 352, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 5, by inserting after the word  
 4 "with" the following: "the department of veterans  
 5 affairs and".  
 6 2. Page 1, by striking lines 6 and 7 and  
 7 inserting the following: "portion of the battle flag  
 8 collection shall be on display at the state capitol  
 9 and the state historical building at all times, unless  
 10 on loan approved by the department of cultural  
 11 affairs."  
 12 3. By renumbering as necessary.

RICHARD F. DRAKE  
 JOHN P. KIBBIE

DICK L. DEARDEN  
KITTY REHBERG  
MARK SHEARER  
JOHN W. JENSEN  
PAUL MCKINLEY  
MIKE CONNOLLY

**S-3121**

- 1 Amend Senate File 165 as follows:  
2 1. Page 1, line 1, by inserting before the word  
3 "ENGLISH" the following: "STANDARD AMERICAN".  
4 2. Page 1, line 11, by inserting before the word  
5 "English" the following: "standard American".  
6 3. Page 1, line 13, by inserting before the word  
7 "English" the following: "standard American".  
8 4. Page 1, line 14, by inserting before the word  
9 "English" the following: "standard American".  
10 5. Page 1, line 18, by inserting before the word  
11 "English" the following: "standard American".  
12 6. Page 1, line 21, by inserting before the word  
13 "English" the following: "standard American".  
14 7. Page 1, line 24, by inserting before the word  
15 "English" the following: "standard American".  
16 8. Page 1, line 29, by inserting before the word  
17 "English" the following: "standard American".  
18 9. Page 2, line 16, by inserting before the word  
19 "English" the following: "standard American".  
20 10. Page 2, line 26, by inserting before the word  
21 "English" the following: "standard American".  
22 11. Page 2, line 31, by inserting before the word  
23 "English" the following: "standard American".  
24 12. Page 2, line 33, by inserting before the word  
25 "English" the following: "standard American".  
26 13. Page 2, line 35, by inserting before the word  
27 "ENGLISH" the following: "STANDARD AMERICAN".  
28 14. Page 3, line 1, by inserting before the word  
29 "English" the following: "standard American".  
30 15. Page 3, line 3, by inserting before the word  
31 "English" the following: "standard American".  
32 16. Page 3, line 9, by inserting before the word  
33 "English" the following: "standard American".  
34 17. Title page, line 1, by inserting before the  
35 word "English" the following: "standard American".

STEVEN D. HANSEN

**S-3122**

- 1 Amend Senate File 165 as follows:  
2 1. Page 1, line 1, by inserting before the word

- 3 "ENGLISH" the following: "OXFORD".  
 4 2. Page 1, line 11, by inserting before the word  
 5 "English" the following: "Oxford".  
 6 3. Page 1, line 13, by inserting before the word  
 7 "English" the following: "Oxford".  
 8 4. Page 1, line 14, by inserting before the word  
 9 "English" the following: "Oxford".  
 10 5. Page 1, line 18, by inserting before the word  
 11 "English" the following: "Oxford".  
 12 6. Page 1, line 21, by inserting before the word  
 13 "English" the following: "Oxford".  
 14 7. Page 1, line 24, by inserting before the word  
 15 "English" the following: "Oxford".  
 16 8. Page 1, line 29, by inserting before the word  
 17 "English" the following: "Oxford".  
 18 9. Page 2, line 16, by inserting before the word  
 19 "English" the following: "Oxford".  
 20 10. Page 2, line 26, by inserting before the word  
 21 "English" the following: "Oxford".  
 22 11. Page 2, line 31, by inserting before the word  
 23 "English" the following: "Oxford".  
 24 12. Page 2, line 33, by inserting before the word  
 25 "English" the following: "Oxford".  
 26 13. Page 2, line 35, by inserting before the word  
 27 "ENGLISH" the following: "OXFORD".  
 28 14. Page 3, line 1, by inserting before the word  
 29 "English" the following: "Oxford".  
 30 15. Page 3, line 3, by inserting before the word  
 31 "English" the following: "Oxford".  
 32 16. Page 3, line 9, by inserting before the word  
 33 "English" the following: "Oxford".  
 34 17. Title page, line 1, by inserting before the  
 35 word "English" the following: "Oxford".

STEVEN D. HANSEN

**S-3123**

- 1 Amend Senate File 267 as follows:  
 2 1. By striking page 4, line 34 through page 6,  
 3 line 6.  
 4 2. By renumbering as necessary.

STEVEN D. HANSEN

**S-3124**

- 1 Amend Senate File 267 as follows:  
 2 1. Page 4, by striking lines 5 through 33.  
 3 2. By renumbering as necessary.

STEVEN D. HANSEN

**S-3125**

- 1 Amend Senate File 267 as follows:  
2 1. Page 7, by striking lines 11 through 31.  
3 2. By renumbering as necessary.

STEVEN D. HANSEN

**S-3126**

- 1 Amend Senate File 267 as follows:  
2 1. By striking page 2, line 2 through page 4,  
3 line 4.  
4 2. By renumbering as necessary.

STEVEN D. HANSEN

**S-3127**

- 1 Amend Senate File 242 as follows:  
2 1. Page 1, by striking lines 1 through 6, and  
3 inserting the following:  
4 "Section 1. Section 135B.7, Code 2001, is amended  
5 by adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. The department shall  
7 adopt rules that require hospitals to establish  
8 procedures for authentication of verbal orders by a  
9 practitioner within a period not to exceed thirty days  
10 following a patient's discharge."

JOHN REDWINE  
MERLIN E. BARTZ**S-3128**

- 1 Amend Senate File 196 as follows:  
2 1. Page 1, by striking line 25 and inserting the  
3 following: "April 16 through October 15, or October  
4 16 through April 15."  
5 2. Page 2, by striking lines 20 through 31 and  
6 inserting the following:  
7 "3. a. The reports by lobbyists before the  
8 general assembly shall be filed not later than ~~twenty-~~  
9 ~~five days following any month in which the general~~  
10 ~~assembly is in session and thereafter on or before~~  
11 July 31, April 30 and October 31, and January 31. The  
12 reports filed by a lobbyist before the general  
13 assembly shall contain information for the preceding  
14 ~~calendar month or quarter~~ six-month reporting period  
15 ~~or the parts thereof during which the person was~~  
16 engaged in lobbying.

17 b. Reports filed by lobbyists before a state  
 18 agency shall be filed on or before April 30, ~~July 31,~~  
 19 ~~and October 31, and January 31,~~ for the preceding  
 20 ~~calendar quarter~~ six-month reporting period or the  
 21 ~~parts thereof during of~~ which the person was engaged  
 22 in lobbying."

RICHARD F. DRAKE  
 PATRICK J. DELUHERY  
 MIKE SEXTON

**S-3129**

1 Amend Senate File 267 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "DIVISION I

5 SUPPLEMENTAL APPROPRIATIONS

6 Section 1. DEPARTMENT OF REVENUE AND FINANCE.

7 There is appropriated from the general fund of the  
 8 state to the department of revenue and finance for the  
 9 fiscal year beginning July 1, 2000, and ending June  
 10 30, 2001, the following amount, or so much thereof as  
 11 is necessary, to be used for the purposes designated,  
 12 in addition to the appropriations made for those  
 13 purposes in 2000 Iowa Acts, chapter 1231, section 28:

14 For compliance, including salaries, support,  
 15 maintenance, and miscellaneous purposes:

16 .....\$

142,236

17 DIVISION II

18 OTHER FUNDS

19 Sec. \_\_\_\_ ENHANCED COURT COLLECTIONS FUND.

20 Notwithstanding section 602.1304, subsection 2, for  
 21 the fiscal year beginning July 1, 2000, the director  
 22 of revenue and finance shall not deposit revenues into  
 23 the enhanced court collections fund. On the effective  
 24 date of this section, any revenues deposited during  
 25 the fiscal year into the enhanced court collections  
 26 fund before the effective date of this section shall  
 27 be transferred and credited to the general fund of the  
 28 state.

29 DIVISION III

30 APPROPRIATIONS REDUCTIONS

31 Sec. \_\_\_\_ GENERAL REDUCTIONS.

32 1. Except as otherwise provided in this section,  
 33 the amounts appropriated from the general fund of the  
 34 state in enactments made for the fiscal year beginning  
 35 July 1, 2000, and ending June 30, 2001, and standing  
 36 limited and unlimited appropriations from the general  
 37 fund of the state for the fiscal year beginning July  
 38 1, 2000, and ending June 30, 2001, are reduced by 1.00  
 39 percent. For an appropriation that is reduced to a

40 specific amount in divisions IV through IX of this  
41 Act, the appropriation reduction required pursuant to  
42 this section shall be applied to the final  
43 appropriation amount in divisions IV through IX.  
44 However, an appropriation made from the general fund  
45 of the state for the fiscal year beginning July 1,  
46 2000, shall not be reduced if the appropriation is any  
47 of the following:  
48 a. An appropriation described or specified in  
49 subsection 4.  
50 b. An appropriation made in section 2.12.

Page 2

1 c. An appropriation to the judicial branch.  
2 2. The reduction in appropriations made pursuant  
3 to subsection 1 shall be carried out by the governor  
4 in the manner specified in section 8.31, except as  
5 provided in subsection 4. However, provided that the  
6 total amount of the reductions required by this  
7 section remains unchanged, the governor may approve  
8 the exercise of transfer authority under section 8.39  
9 as necessary to prudently adjust the reductions made  
10 to individual appropriations and the report required  
11 under this subsection shall constitute the notice  
12 otherwise required under section 8.39, subsection 3.  
13 Upon implementation of the appropriations reductions  
14 specified in subsection 1, the department of  
15 management shall submit a report to the chairpersons  
16 and ranking members of the appropriations committees  
17 of each chamber of the general assembly specifying how  
18 the reductions were applied and if any transfers were  
19 authorized.  
20 3. Moneys which become available as a result of  
21 the appropriations reductions made pursuant to this  
22 section shall be considered to have reverted to the  
23 general fund of the state on the effective date of  
24 this section.  
25 4. The appropriations reductions made in  
26 subsection 1 shall not be applied to the  
27 appropriations made from the general fund of the state  
28 for the fiscal year beginning July 1, 2000, for any of  
29 the following:  
30 a. To the department of human services in 2000  
31 Iowa Acts, chapter 1228, and other enactments making  
32 appropriations from the general fund of the state to  
33 the department for that fiscal year for the following  
34 purposes: medical assistance, pharmaceutical case  
35 management study, health insurance premium payment  
36 program, children's health insurance program, medical  
37 contracts, and state supplementary assistance.  
38 b. To the department of corrections in 2000 Iowa

39 Acts, chapter 1229, and other enactments making  
 40 appropriations from the general fund of the state to  
 41 the department for that fiscal year for the following  
 42 purposes: for correctional facilities under 2000 Iowa  
 43 Acts, chapter 1229, section 4, and for annual payment  
 44 relating to the financial arrangement for the  
 45 construction or expansion of prison capacity, under  
 46 2000 Iowa Acts, chapter 1229, section 5, subsection 3.  
 47 c. To appropriations made from the general fund of  
 48 the state for the following purposes: state  
 49 unemployment compensation in section 96.13, personal  
 50 property tax replacement in section 405A.8, franchise

Page 3

1 tax revenue allocation in section 405A.10, statewide  
 2 fire and police retirement system in section 411.20,  
 3 federal Cash Management and Improvement Act interest  
 4 costs in section 421.31, livestock production credit  
 5 refund in section 422.121, homestead tax credit in  
 6 section 425.1, extraordinary property tax credit and  
 7 reimbursement in section 425.39, agricultural land tax  
 8 credit in section 426.1, military service tax credit  
 9 in section 426A.1A, property tax relief fund in  
 10 section 426B.1, industrial machinery, equipment and  
 11 computers property tax replacement fund in section  
 12 427B.19A, and cigarette and little cigar tax stamps in  
 13 section 453A.8.  
 14 d. To the commission of veterans affairs in 2000  
 15 Iowa Acts, chapter 1222, section 7, subsection 3, and  
 16 other enactments making appropriations from the  
 17 general fund of the state to the commission for that  
 18 fiscal year for the following purpose: for the Iowa  
 19 veterans home.  
 20 e. To the treasurer of state for Iowa  
 21 communications network debt service in 2000 Iowa Acts,  
 22 chapter 1226, section 1.  
 23 f. For the Iowa early intervention block grant  
 24 program in section 256D.5, for instructional support  
 25 and state aid to school corporations in section  
 26 257.16, for child development grants and other  
 27 programs for at-risk children in section 279.51, for  
 28 nonpublic school pupil transportation in section  
 29 285.2, for educational excellence in section 294A.25,  
 30 and for school improvement technology in section  
 31 295.2.  
 32 g. To the state board of regents for tuition  
 33 replacement in 2000 Iowa Acts, chapter 1223, section  
 34 11, subsection 1, paragraph "b".

35 DIVISION IV  
 36 ADMINISTRATION AND REGULATION  
 37 DEPARTMENT OF GENERAL SERVICES

38 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1231, section 8,  
39 subsection 3 is amended to read as follows:  
40 3. CAPITOL PLANNING COMMISSION  
41 For expenses of the members in carrying out their  
42 duties under chapter 18A:

43 .....	\$	2,000
44 .....		<u>1,284</u>

45 DIVISION V  
46 AGRICULTURE AND NATURAL RESOURCES  
47 SOIL CONSERVATION DIVISION

48 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1224, section 1,  
49 subsection 4, paragraph a, is amended to read as  
50 follows:

Page 4

1 a. For salaries, support, maintenance, assistance  
2 to soil conservation districts, and miscellaneous  
3 purposes, and for not more than the following full-  
4 time equivalent positions:

5 .....	\$	6,985,526
6 .....		<u>6,435,526</u>
7 .....	FTEs	195.11

8 ENVIRONMENT FIRST FUND -- AGRICULTURE

9 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1225, section  
10 25, subsections 3 and 4, are amended to read as  
11 follows:

12 3. To initiate a statewide voluntary farm  
13 management demonstration program to demonstrate the  
14 effectiveness and adaptability of emerging practices  
15 in agronomy that protect water resources and provide  
16 other environmental benefits:

17 .....	\$	850,000
18 .....		<u>350,000</u>

19 4. For assisting farm operators in applying for  
20 project grants associated with the statewide voluntary  
21 farm management demonstration program:

22 .....	\$	50,000
23 .....		<u>0</u>

24 Sec. \_\_\_\_ ENVIRONMENT FIRST FUND -- SOIL  
25 CONSERVATION DIVISION. There is appropriated from the  
26 environment first fund to the department of  
27 agriculture and land stewardship for the fiscal year  
28 beginning July 1, 2000, and ending June 30, 2001, the  
29 following amount, or so much thereof as is necessary,  
30 to be used for the purpose designated:

31 For the soil conservation division:		
32 .....	\$	550,000

33 DIVISION VI  
34 ECONOMIC DEVELOPMENT

35 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1230, section 1,  
36 subsection 2, paragraph a, unnumbered paragraphs 1 and

37 2, are amended to read as follows:

38 Business development operations

39 For salaries, support, maintenance, miscellaneous  
40 purposes, and for not more than the following full-  
41 time equivalent positions:

42 .....	\$	<u>4,810,534</u>
43 .....		<u>4,760,534</u>
44 .....	FTEs	27.75

45 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1230, section 1,  
46 subsection 3, paragraph a, is amended to read as  
47 follows:

48 a. Community assistance

49 For salaries, support, maintenance, miscellaneous  
50 purposes, and for not more than the following full-

Page 5

1 time equivalent positions for administration of the  
2 community economic preparedness program, the Iowa  
3 community betterment program, and the city development  
4 board:

5 .....	\$	<u>855,031</u>
6 .....		<u>805,031</u>
7 .....	FTEs	10.50

8 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1230, section 1,  
9 subsection 3, paragraph c, unnumbered paragraphs 1 and  
10 2, are amended to read as follows:

11 Community development program

12 For salaries, support, maintenance, miscellaneous  
13 purposes, and for not more than the following full-  
14 time equivalent positions, for rural resource  
15 coordination, rural community leadership, rural  
16 innovations grant program, and the rural enterprise  
17 fund:

18 .....	\$	<u>958,440</u>
19 .....		<u>908,440</u>
20 .....	FTEs	7.50

21 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1230, section 1,  
22 subsection 5, unnumbered paragraphs 1 and 2, are  
23 amended to read as follows:

24 Tourism operations and advertising

25 For salaries, support, maintenance, miscellaneous  
26 purposes, and for not more than the following full-  
27 time equivalent positions:

28 .....	\$	<u>4,940,413</u>
29 .....		<u>4,890,413</u>
30 .....	FTEs	18.52

31 DEPARTMENT OF WORKFORCE DEVELOPMENT

32 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1230, section  
33 10, subsection 1 is amended to read as follows:

34 1. DIVISION OF LABOR SERVICES

35 For the division of labor services, including

36 salaries, support, maintenance, miscellaneous		
37 purposes, and for not more than the following full-		
38 time equivalent positions:		
39 .....	\$	<u>3,429,686</u>
40 .....		<u>3,425,686</u>
41 .....	FTEs	92.00

42 From the contractor registration fees, the division  
 43 of labor services shall reimburse the department of  
 44 inspections and appeals for all costs associated with  
 45 hearings under chapter 91C, relating to contractor  
 46 registration.

47 SCHOOL-TO-CAREER PROGRAM

48 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1230, section  
 49 34, is amended to read as follows:  
 50 SEC. 34. In lieu of the appropriation made in

Page 6

1 section 15.365, subsection 3, there is appropriated  
 2 for the fiscal year beginning July 1, 2000, and ending  
 3 June 30, 2001, ~~\$100,000, or so much thereof as is~~  
 4 ~~necessary,~~ \$0 from the general fund of the state to  
 5 the department of economic development to pay refunds  
 6 as provided under section 15.365.

7 DIVISION VII

8 HUMAN SERVICES

9 HAWK-I PROGRAM

10 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1228, section  
 11 11, unnumbered paragraph 2, is amended to read as  
 12 follows:

13 For maintenance of the healthy and well kids in  
 14 Iowa (HAWK-I) program pursuant to chapter 514I for  
 15 receipt of federal financial participation under Title  
 16 XXI of the federal Social Security Act, which creates  
 17 the state children's health insurance program:

18 .....	\$	<u>4,984,508</u>
19 .....		<u>3,684,508</u>

20 STATE CASES

21 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1228, section  
 22 24, subsection 1, unnumbered paragraph 1, is amended  
 23 to read as follows:

24 For purchase of local services for persons with  
 25 mental illness, mental retardation, and developmental  
 26 disabilities where the client has no established  
 27 county of legal settlement:

28 .....	\$	<u>13,308,845</u>
29 .....		<u>12,608,845</u>

30 MH/MR/DD ALLOWED GROWTH

31 RISK POOL

32 Sec. \_\_\_\_ 1999 Iowa Acts, chapter 208, section 1,  
 33 unnumbered paragraphs 2 and 3, and subsection 4, as  
 34 amended by 2000 Iowa Acts, chapter 1228, section 38,

35 are amended to read as follows:

36 For distribution to counties of the county mental  
37 health, mental retardation, and developmental  
38 disabilities allowed growth factor adjustment, in  
39 accordance with section 331.438, subsection 2, and  
40 section 331.439, subsection 3, and chapter 426B:

41 .....\$ 20,982,446  
42 ..... 19,868,987

43 The funding appropriated in this section is the  
44 allowed growth factor adjustment for fiscal year 2000-  
45 2001, and is allocated as follows:

46 4. For deposit in the risk pool created in the  
47 property tax relief fund pursuant to section 426B.5,  
48 subsection 3:

49 .....\$ 1,208,844  
50 ..... 95,385

Page 7

DIVISION VIII  
JUDICIAL BRANCH

3 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1227, section 2,  
4 is amended to read as follows:

5 SEC. 2. JUDICIAL RETIREMENT FUND. There is  
6 appropriated from the general fund of the state to the  
7 judicial retirement fund for the fiscal year beginning  
8 July 1, 2000, and ending June 30, 2001, the following  
9 amount, or so much thereof as is necessary, to be used  
10 for the purpose designated:

11 For the state's contribution to the judicial  
12 retirement fund established in section 602.9104, in  
13 the amount of ~~23.7~~ 16.6 percent of the basic salaries  
14 of the judges covered under chapter 602, article 9:

15 .....\$ 4,499,350  
16 ..... 4,077,350

JUDICIAL RETIREMENT STATUTORY PROVISION

18 Sec. \_\_\_\_ Section 602.9104, subsection 4,  
19 paragraph b, Code 2001, is amended to read as follows:

20 b. Effective with the fiscal year commencing July  
21 1, 1994, and for each subsequent fiscal year until the  
22 system attains fully funded status, based upon the  
23 benefits provided for judges through the judicial  
24 retirement system as of July 1, 2001, the state shall  
25 contribute annually to the judicial retirement fund an  
26 amount equal to at least ~~twenty-three and seven-tenths~~  
27 sixteen and six-tenths percent of the basic salary of  
28 all judges covered under this article. Commencing  
29 with the first fiscal year in which the system attains  
30 fully funded status, based upon the benefits provided  
31 for judges through the judicial retirement system as  
32 of July 1, 2001, and for each subsequent fiscal year,  
33 the state shall contribute to the judicial retirement

34 fund the required contribution rate. The state's  
35 contribution shall be appropriated directly to the  
36 judicial retirement fund.

37 DIVISION IX  
38 TRANSPORTATION

39 Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1216, section 1,  
40 subsections 1 and 2, are amended to read as follows:

41 1. For airport engineering studies and improvement  
42 projects as provided in chapter 328:

43 .....\$ 2,475,000  
44 .....2,435,000

45 Of the amount appropriated in this subsection,  
46 \$25,000 shall be allocated to the Iowa civil air  
47 patrol.

48 2. For the rail assistance program and to provide  
49 economic development project funding:

50 .....\$ 662,000

Page 8

1 ..... 602,000

2 DIVISION X  
3 EFFECTIVE DATE

4 Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed  
5 of immediate importance, takes effect upon enactment."

6 2. By renumbering as necessary.

JEFF LAMBERTI

**S-3130**

1 Amend Senate File 165 as follows:

2 1. Page 3, by inserting after line 7 the  
3 following:

4 "Sec. \_\_\_\_ Section 7A.1, unnumbered paragraph 1,  
5 Code 2001, is amended to read as follows:

6 State officials, boards, commissions, and heads of  
7 departments shall prepare and file written official  
8 reports, in simple English language and in the most  
9 concise form consistent with clearness and  
10 comprehensiveness of matter, required by law or by the  
11 governor."

12 2. By renumbering as necessary.

STEVEN D. HANSEN

**S-3131**

1 Amend Senate File 165 as follows:

2 1. Page 2, by inserting after line 20 the  
3 following:

4 "i. Programming broadcast on an Iowa public radio  
5 station."

STEVEN D. HANSEN

**S-3132**

1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:  
5 "\_\_\_\_. To the university of northern Iowa in 2000  
6 Iowa Acts, chapter 1223, section 11, and other  
7 enactments making appropriations from the general fund  
8 of the state to the university for that fiscal year."

PATRICIA HARPER

**S-3133**

1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:  
5 "\_\_\_\_. To the state university of Iowa in 2000 Iowa  
6 Acts, chapter 1223, section 11, and other enactments  
7 making appropriations from the general fund of the  
8 state to the university for that fiscal year."

ROBERT E. DVORSKY

**S-3134**

1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:  
5 "\_\_\_\_. To Iowa state university of science and  
6 technology in 2000 Iowa Acts, chapter 1223, section  
7 11, and other enactments making appropriations from  
8 the general fund of the state to the university for  
9 that fiscal year."

JOHNIE HAMMOND

**S-3135**

1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 29 the

4 following:  
5 "\_\_\_\_. To the department of education for community  
6 colleges in 2000 Iowa Acts, chapter 1223, section 3,  
7 subsection 23, and other enactments making  
8 appropriations from the general fund of the state for  
9 community colleges for that fiscal year."

JOHN P. KIBBIE

**S-3136**

1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:

3 1. Page 2, by inserting after line 37 the  
4 following:

5 "\_\_\_\_. To the department of public safety for the  
6 division of criminal investigation and bureau of  
7 identification in 2000 Iowa Acts, chapter 1229,  
8 section 15, subsection 2, and other enactments making  
9 appropriations from the general fund of the state for  
10 the division and the bureau for that fiscal year."

11 2. Page 2, by inserting before line 38 the  
12 following:

13 "\_\_\_\_. To the department of public safety for the  
14 division of narcotics enforcement in 2000 Iowa Acts,  
15 chapter 1229, section 15, subsection 3, and other  
16 enactments making appropriations from the general fund  
17 of the state for the division for that fiscal year."

18 3. Page 2, by inserting after line 46 the  
19 following:

20 "\_\_\_\_. To the department of public safety for the  
21 division of the Iowa state patrol in 2000 Iowa Acts,  
22 chapter 1229, section 15, subsection 6, and other  
23 enactments making appropriations from the general fund  
24 of the state for the division for that fiscal year."

25 4. Page 2, by inserting before line 47 the  
26 following:

27 "\_\_\_\_. To the department of public safety for  
28 general administration, the state fire marshal's  
29 office, the capitol police division, costs associated  
30 with the maintenance of the automated fingerprint  
31 information system, and costs associated with the  
32 training and equipment needs of volunteer firefighters  
33 in 2000 Iowa Acts, chapter 1229, section 15,  
34 subsections 1, 4, 5, 7, and 9, and other enactments  
35 making appropriations from the general fund of the  
36 state for these purposes for that fiscal year."

ROBERT E. DVORSKY

**S-3137**

- 1 Amend the amendment, S-3129, to Senate File 267, as
- 2 follows:
- 3 1. Page 7, by striking lines 1 through 36.
- 4 2. By renumbering as necessary.

MARK SHEARER

**S-3138**

- 1 Amend the amendment, S-3129, to Senate File 267, as
- 2 follows:
- 3 1. Page 2, line 34, by inserting after the word
- 4 "purposes:" the following: "child protective services
- 5 in field operations and general administration,".
- 6 2. Page 2, line 35, by inserting after the word
- 7 "study," the following: "costs associated with the
- 8 commitment and treatment of sexually violent
- 9 predators,".
- 10 3. Page 2, line 37, by inserting after the word
- 11 "contracts," the following: "family investment
- 12 program, child support recovery, child care
- 13 assistance, juvenile institutions, child and family
- 14 services, community-based programs, family support
- 15 subsidy program, Conner decree, state mental health
- 16 institutes, state resource centers, mental illness
- 17 special services, special needs grants, mental health
- 18 and developmental disabilities community services
- 19 fund, personal assistance, field operations, general
- 20 administration, volunteers,".

JOHNIE HAMMOND  
ROBERT E. DVORSKY

**S-3139**

- 1 Amend the amendment, S-3129, to Senate File 267, as
- 2 follows:
- 3 1. Page 3, by inserting after line 34 the
- 4 following:
- 5 "\_\_\_\_. To the college student aid commission in
- 6 section 261.25, and other appropriations made from the
- 7 general fund of the state to the commission for the
- 8 fiscal year beginning July 1, 2000."

BILL FINK

**S-3140**

- 1 Amend Senate Concurrent Resolution 14 as follows:  
2 1. Page 1, lines 12 and 13, by striking the  
3 figure and word "1.50 percent" and inserting the  
4 following: "\$1,800,000".

MICHAEL E. GRONSTAL

**S-3141**

- 1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:  
5 "\_\_\_\_. To the state board of regents for the state  
6 school for the deaf and the Iowa braille and sight  
7 saving school in 2000 Iowa Acts, chapter 1223, section  
8 11, and other enactments making appropriations from  
9 the general fund of the state for the schools for that  
10 fiscal year."

MICHAEL E. GRONSTAL

**S-3142**

- 1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:  
5 "\_\_\_\_. To the department of education in 2000 Iowa  
6 Acts, chapter 1223, section 3, and other enactments  
7 making appropriations from the general fund of the  
8 state to the department for that fiscal year."

MIKE CONNOLLY

**S-3143**

- 1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 46 the  
4 following:  
5 "\_\_\_\_. To the department of corrections for  
6 allocation to judicial district departments of  
7 correctional services in 2000 Iowa Acts, chapter 1229,  
8 section 7, and other enactments making appropriations  
9 from the general fund of the state for the judicial

10 district departments of corrections for that fiscal  
11 year."

ROBERT E. DVORSKY

**S-3144**

- 1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 4, line 6, by striking the figure  
4 "6,435,526" and inserting the following: "6,785,526".  
5 2. Page 4, line 18, by striking the figure  
6 "350,000" and inserting the following: "650,000".  
7 3. Page 4, line 32, by striking the figure  
8 "550,000" and inserting the following: "200,000".

DENNIS H. BLACK

**S-3145**

- 1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:  
5 "\_\_\_\_. To the Iowa department of public health for  
6 addressing substance abuse and other addictive  
7 disorders in 2000 Iowa Acts, chapter 1222, section 5."  
8 2. Page 2, by inserting before line 30 the  
9 following:  
10 "\_\_\_\_. To the Iowa department of public health for  
11 home health aides in 2000 Iowa Acts, chapter 1222,  
12 section 5."  
13 3. Page 2, by inserting after line 37 the  
14 following:  
15 "\_\_\_\_. To the Iowa department of public health for  
16 elderly wellness in 2000 Iowa Acts, chapter 1222,  
17 section 5."  
18 4. Page 2, by inserting before line 38 the  
19 following:  
20 "\_\_\_\_. To the department of elder affairs for area  
21 agencies on aging in 2000 Iowa Acts, chapter 1222,  
22 section 3."

JOE BOLKCOM

**S-3146**

- 1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:

5 " \_\_\_\_\_. To the department of natural resources for  
6 state parks in 2000 Iowa Acts, chapter 1224, section  
7 3, and other enactments making appropriations from the  
8 general fund of the state for state parks for that  
9 fiscal year."

DENNIS H. BLACK

### S-3147

1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:  
5 " \_\_\_\_\_. To the department of education for purposes  
6 of making technology available to students of  
7 accredited nonpublic schools in 2000 Iowa Acts,  
8 chapter 1226, section 5, subsection 2, paragraph a,  
9 and section 27."

TOM FLYNN

### S-3148

1 Amend the amendment, S-3129, to Senate File 267 as  
2 follows:  
3 1. Page 8, by striking lines 4 and 5 and  
4 inserting the following:  
5 "Sec. \_\_\_\_\_. EFFECTIVE DATE. Except for division  
6 III of this Act, providing for general reductions of  
7 appropriations, this Act, being deemed of immediate  
8 importance, takes effect upon enactment. Division III  
9 of this Act shall only take effect upon enactment of a  
10 statute enumerating those specific services, local  
11 government transfer payments, public protection  
12 employee positions, college student funding streams,  
13 federally matched funding sources, and other  
14 expenditure items that are to be reduced, modified, or  
15 eliminated to accomplish the reductions in  
16 appropriations made in division III by this Act."

MICHAEL E. GRONSTAL

### S-3149

1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 2, by inserting after line 46 the  
4 following:  
5 " \_\_\_\_\_. To the department of commerce for the  
6 divisions of banking, credit union, insurance,

7 professional licensing and regulation, and utilities  
 8 in 2000 Iowa Acts, chapter 1231, section 3, and to the  
 9 department of justice for the office of the consumer  
 10 advocate within the department of justice in 2000 Iowa  
 11 Acts, chapter 1229, section 3, and other enactments  
 12 making appropriations from the general fund of the  
 13 state for that fiscal year for regulation of  
 14 businesses that pay for the costs of the regulation."  
 15 2. By renumbering as necessary.

JACK HOLVECK

**S-3150**

1 Amend the amendment, S-3129, to Senate File 267, as  
 2 follows:  
 3 1. Page 2, line 19, by inserting after the word  
 4 "authorized." the following: "The reductions in  
 5 appropriations made in subsection 1 shall not be  
 6 applied in a manner which results in employee  
 7 layoffs."

TOM FLYNN

**S-3151**

1 Amend the amendment, S-3129, to Senate File 267 as  
 2 follows:  
 3 1. By striking page 1, line 1, through page 8,  
 4 line 6, and inserting the following:  
 5 "Amend Senate File 267 as follows:  
 6 \_\_\_\_\_. By striking everything after the enacting  
 7 clause and inserting the following:  
 8 "DIVISION I  
 9 SUPPLEMENTAL APPROPRIATIONS  
 10 Section 1. DEPARTMENT OF REVENUE AND FINANCE.  
 11 There is appropriated from the general fund of the  
 12 state to the department of revenue and finance for the  
 13 fiscal year beginning July 1, 2000, and ending June  
 14 30, 2001, the following amount, or so much thereof as  
 15 is necessary, to be used for the purposes designated,  
 16 in addition to the appropriations made for those  
 17 purposes in 2000 Iowa Acts, chapter 1231, section 28:  
 18 For compliance, including salaries, support,  
 19 maintenance, and miscellaneous purposes:

.....	\$ 142,236
-------	------------

21 DIVISION II  
 22 ADMINISTRATION AND REGULATION  
 23 AUDITOR OF STATE

24 Sec. \_\_\_\_\_. 2000 Iowa Acts, chapter 1231, section 1,  
 25 unnumbered paragraph 2, is amended to read as follows:

26	For salaries, support, maintenance, miscellaneous	
27	purposes, and for not more than the following full-	
28	time equivalent positions:	
29	.....	\$ 1,397,432
30	.....	<u>1,272,529</u>
31	..... FTEs	114.26
32	DEPARTMENT OF GENERAL SERVICES	
33	Sec. ____ 2000 Iowa Acts, chapter 1231, section 8,	
34	subsection 3 is amended to read as follows:	
35	3. CAPITOL PLANNING COMMISSION	
36	For expenses of the members in carrying out their	
37	duties under chapter 18A:	
38	.....	\$ <u>2,000</u>
39	.....	<u>1,284</u>
40	DIVISION III	
41	AGRICULTURE AND NATURAL RESOURCES	
42	SOIL CONSERVATION DIVISION	
43	Sec. ____ 2000 Iowa Acts, chapter 1224, section 1,	
44	subsection 4, paragraph a, is amended to read as	
45	follows:	
46	a. For salaries, support, maintenance, assistance	
47	to soil conservation districts, and miscellaneous	
48	purposes, and for not more than the following full-	
49	time equivalent positions:	
50	.....	\$ 6,985,526

Page 2

1	.....	<u>6,785,526</u>
2	..... FTEs	195.11
3	ENVIRONMENT FIRST FUND -- AGRICULTURE	
4	Sec. ____ 2000 Iowa Acts, chapter 1225, section	
5	25, subsections 3 and 4, are amended to read as	
6	follows:	
7	3. To initiate a statewide voluntary farm	
8	management demonstration program to demonstrate the	
9	effectiveness and adaptability of emerging practices	
10	in agronomy that protect water resources and provide	
11	other environmental benefits:	
12	.....	\$ 850,000
13	.....	<u>650,000</u>
14	4. For assisting farm operators in applying for	
15	project grants associated with the statewide voluntary	
16	farm management demonstration program:	
17	.....	\$ 50,000
18	.....	<u>0</u>
19	Sec. ____ ENVIRONMENT FIRST FUND -- SOIL	
20	CONSERVATION DIVISION. There is appropriated from the	
21	environment first fund to the department of	
22	agriculture and land stewardship for the fiscal year	
23	beginning July 1, 2000, and ending June 30, 2001, the	
24	following amount, or so much thereof as is necessary,	

25	to be used for the purpose designated:		
26	For the soil conservation division:		
27	.....	\$	200,000
28	DIVISION IV		
29	ECONOMIC DEVELOPMENT		
30	Sec. ____ 2000 Iowa Acts, chapter 1230, section 1,		
31	subsection 2, paragraph a, unnumbered paragraphs 1 and		
32	2, are amended to read as follows:		
33	Business development operations		
34	For salaries, support, maintenance, miscellaneous		
35	purposes, and for not more than the following full-		
36	time equivalent positions:		
37	.....	\$	4,810,534
38	.....		<u>4,760,534</u>
39	.....	FTEs	27.75
40	Sec. ____ 2000 Iowa Acts, chapter 1230, section 1,		
41	subsection 3, paragraph a, is amended to read as		
42	follows:		
43	a. Community assistance		
44	For salaries, support, maintenance, miscellaneous		
45	purposes, and for not more than the following full-		
46	time equivalent positions for administration of the		
47	community economic preparedness program, the Iowa		
48	community betterment program, and the city development		
49	board:		
50	.....	\$	855,031

Page 3

1	.....		<u>805,031</u>
2	.....	FTEs	10.50
3	Sec. ____ 2000 Iowa Acts, chapter 1230, section 1,		
4	subsection 3, paragraph c, unnumbered paragraphs 1 and		
5	2, are amended to read as follows:		
6	Community development program		
7	For salaries, support, maintenance, miscellaneous		
8	purposes, and for not more than the following full-		
9	time equivalent positions, for rural resource		
10	coordination, rural community leadership, rural		
11	innovations grant program, and the rural enterprise		
12	fund:		
13	.....	\$	958,440
14	.....		<u>908,440</u>
15	.....	FTEs	7.50
16	Sec. ____ 2000 Iowa Acts, chapter 1230, section 1,		
17	subsection 5, unnumbered paragraphs 1 and 2, are		
18	amended to read as follows:		
19	Tourism operations and advertising		
20	For salaries, support, maintenance, miscellaneous		
21	purposes, and for not more than the following full-		
22	time equivalent positions:		
23	.....	\$	4,940,413

24	.....	4,890,413
25	..... FTEs	18.52

DEPARTMENT OF WORKFORCE DEVELOPMENT

Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1230, section 10, subsection 1 is amended to read as follows:

1. DIVISION OF LABOR SERVICES

For the division of labor services, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

34	.....	\$	3,429,686
35	.....		3,425,686
36	..... FTEs		92.00

From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

SCHOOL-TO-CAREER PROGRAM

Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1230, section 34, is amended to read as follows:

SEC. 34. In lieu of the appropriation made in section 15.365, subsection 3, there is appropriated for the fiscal year beginning July 1, 2000, and ending June 30, 2001, \$100,000, or so much thereof as is necessary, \$0 from the general fund of the state to the department of economic development to pay refunds

Page 4

1 as provided under section 15.365.

DIVISION V  
HUMAN SERVICES  
HAWK-I PROGRAM

Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1228, section 11, unnumbered paragraph 2, is amended to read as follows:

For maintenance of the healthy and well kids in Iowa (HAWK-I) program pursuant to chapter 514I for receipt of federal financial participation under Title XXI of the federal Social Security Act, which creates the state children's health insurance program:

13	.....	\$	4,984,508
14	.....		3,684,508

STATE CASES

Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1228, section 24, subsection 1, unnumbered paragraph 1, is amended to read as follows:

For purchase of local services for persons with mental illness, mental retardation, and developmental disabilities where the client has no established county of legal settlement:

23	.....	\$	13,308,845
24	.....		<u>12,608,845</u>
25	MH/MR/DD ALLOWED GROWTH		
26	RISK POOL		
27	Sec. ____ 1999 Iowa Acts, chapter 208, section 1,		
28	unnumbered paragraphs 2 and 3, and subsection 4, as		
29	amended by 2000 Iowa Acts, chapter 1228, section 38,		
30	are amended to read as follows:		
31	For distribution to counties of the county mental		
32	health, mental retardation, and developmental		
33	disabilities allowed growth factor adjustment, in		
34	accordance with section 331.438, subsection 2, and		
35	section 331.439, subsection 3, and chapter 426B:		
36	.....	\$	20,982,446
37	.....		<u>19,868,987</u>
38	The funding appropriated in this section is the		
39	allowed growth factor adjustment for fiscal year 2000-		
40	2001, and is allocated as follows:		
41	4. For deposit in the risk pool created in the		
42	property tax relief fund pursuant to section 426B.5,		
43	subsection 3:		
44	.....	\$	1,208,844
45	.....		<u>95,385</u>
46	DIVISION VI		
47	TRANSPORTATION		
48	Sec. ____ 2000 Iowa Acts, chapter 1216, section 1,		
49	subsections 1 and 2, are amended to read as follows:		
50	1. For airport engineering studies and improvement		

Page 5

1	projects as provided in chapter 328:		
2	.....	\$	2,475,000
3	.....		<u>2,435,000</u>
4	Of the amount appropriated in this subsection,		
5	\$25,000 shall be allocated to the Iowa civil air		
6	patrol.		
7	2. For the rail assistance program and to provide		
8	economic development project funding:		
9	.....	\$	662,000
10	.....		<u>602,000</u>
11	DIVISION VII		
12	EFFECTIVE DATE		
13	Sec. ____ EFFECTIVE DATE. This Act, being deemed		
14	of immediate importance, takes effect upon enactment."		
15	____. By renumbering as necessary."		

MICHAEL E. GRONSTAL

**S-3152**

- 1 Amend the amendment, S-3129, to Senate File 267, as  
2 follows:  
3 1. Page 3, by inserting after line 34 the  
4 following:  
5 "\_\_\_ For any purpose which draws federal  
6 funding."  
7 2. By renumbering as necessary.

TOM FLYNN

**S-3153**

- 1 Amend Senate File 184 as follows:  
2 1. Page 1, line 24, by striking the word "two"  
3 and inserting the following: "one".  
4 2. Page 2, line 11, by striking the word "county"  
5 and inserting the following: "county."  
6 3. Page 2, by striking line 12.

RICHARD F. DRAKE

**S-3154**

- 1 Amend Senate File 165 as follows:  
2 1. By striking page 1, line 3, through page 3,  
3 line 9, and inserting the following:  
4 "The general assembly of the state of Iowa finds  
5 and declares the following:  
6 1. English is the unifying language of the United  
7 States, and all members of society recognize the  
8 importance of the English language to national  
9 prosperity and individual accomplishment.  
10 2. The people of Iowa promote the spirit of  
11 diversity with harmony represented by the various  
12 cultures that make up the fabric of the state of Iowa  
13 and American society.  
14 3. The people of Iowa acknowledge that "English  
15 Plus" best serves the national interest since it  
16 promotes the concept that all members of society have  
17 full access to opportunities to effectively learn  
18 English plus develop proficiency in a second or  
19 multiple languages.  
20 4. According to the 1990 United States census,  
21 ninety-four percent of United States citizens speak  
22 English.  
23 5. Multilingualism has historically been an  
24 essential element of national security, including the  
25 use of Navajo in the development of coded  
26 communications during World War II, the Korean

27 Conflict, and the Vietnam Conflict.  
 28 6. Multilingualism promotes greater cross-cultural  
 29 understanding and benefit between racial and ethnic  
 30 groups.  
 31 7. Iowa will experience more than three hundred  
 32 thousand Iowans retiring from a variety of occupations  
 33 in the first decade of the twenty-first century.  
 34 8. Iowa is engaged in an effort to encourage  
 35 newcomers to the state to assist in maintaining a  
 36 strong economy.  
 37 9. The state of Iowa hereby affirms its advocacy  
 38 of the teaching of other languages in the United  
 39 States and its belief that the position of English is  
 40 not threatened. Proficiency on the part of Iowa  
 41 citizens in more than one language is to the economic  
 42 and cultural benefit of the state and the nation,  
 43 whether that proficiency derives from second language  
 44 maintenance plus English acquisition by speakers of  
 45 other languages. Proficiency in English plus other  
 46 languages should be encouraged throughout the state."

JOE BOLKCOM

**S-3155**

1 Amend Senate File 349 as follows:  
 2 1. Page 3, by inserting after line 24, the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 68B.35, Code 2001, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 6. The board, the chief clerk of  
 7 the house, and the secretary of the senate shall each  
 8 respectively provide public access to the personal  
 9 financial disclosure statements on file in its  
 10 respective office, and shall allow for the making of  
 11 copies and the payment of a reasonable fee, according  
 12 to the provisions of chapter 22.  
 13 Sec. \_\_\_\_ Section 68B.35A, Code 2001, is amended  
 14 by striking the section and inserting in lieu thereof  
 15 the following:  
 16 68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS  
 17 OF STATE OFFICIALS AND EMPLOYEES -- PUBLIC ACCESS.  
 18 A paper or electronic copy of each personal  
 19 financial disclosure statement filed with the board,  
 20 the chief clerk of the house, or the secretary of the  
 21 senate, respectively, pursuant to the provisions of  
 22 section 68B.35, shall be forwarded to the secretary of  
 23 state for the publishing of the information by  
 24 electronic means."  
 25 2. Title page, lines 1 and 2, by striking the  
 26 words "information concerning contested case  
 27 proceedings of the ethics and campaign disclosure

28 board" and inserting the following: "certain filings  
29 relating to executive and legislative ethics".  
30 3. By renumbering as necessary.

STEVE KING  
JOHN P. KIBBIE  
ANDY McKEAN

### S-3156

1 Amend Senate File 165 as follows:  
2 1. Page 2, by inserting after line 20 the  
3 following:  
4 "\_\_\_ Communications in braille, communications  
5 utilizing American sign language, or any other form or  
6 method of communication intended for persons who are  
7 deaf, hard-of-hearing, blind, or visually impaired."

MICHAEL E. GRONSTAL

### S-3157

1 Amend Senate File 165 as follows:  
2 1. By striking page 1, line 1, through page 3,  
3 line 9, and inserting the following:  
4 "Section 1. NEW SECTION. 1.18 ENGLISH PLUS  
5 REAFFIRMATION.  
6 1. The general assembly of the state of Iowa finds  
7 and declares the following:  
8 a. English is and will remain the primary language  
9 of the state of Iowa, and all members of the state  
10 recognize the importance of English to state life,  
11 individual accomplishment, and personal enrichment.  
12 b. Many United States citizens have native  
13 languages other than English, including many languages  
14 indigenous to the North American continent, and many  
15 members of society have not had an equal opportunity  
16 to learn English.  
17 c. The ability to communicate in English and other  
18 languages has promoted and can further enhance Iowa's  
19 economic, political, and cultural vitality, and  
20 contributes to the state's productivity and nationwide  
21 competitiveness.  
22 d. Fundamental values and state and national  
23 documents ensure tolerance and respect for diversity  
24 and guarantee all persons equal protection under the  
25 law.  
26 e. A need exists for a vastly expanded network of  
27 facilities for comprehensive English language  
28 instruction and services to ensure that all persons in  
29 the state have the ability to exercise the rights and

30 responsibilities of full participation in society. A  
31 need exists to offer English as a primary language in  
32 classes at Iowa community colleges, state  
33 universities, and public schools.  
34 f. A need exists to foster multiple language  
35 skills among all people in the state in order to  
36 promote Iowa's position in the world marketplace and  
37 to strengthen Iowa's conduct of relations with other  
38 countries.  
39 g. A need exists to endorse the concept of English  
40 Plus in order to promote public civility and the  
41 fundamental values and objectives of society.  
42 2. Laws containing restrictionist language shall  
43 not be enacted in Iowa that will impede a citizen's  
44 right to vote, infringe on a citizen's civil rights,  
45 foster governmental interference in private activity  
46 and free commerce, or cause social disunity."  
47 2. Title page, line 1, by inserting after the  
48 word "English" the word "plus".

MIKE CONNOLLY

### S-3158

1 Amend Senate File 165 as follows:  
2 1. Page 3, by inserting after line 9 the  
3 following:  
4 "Sec. \_\_\_\_ . COMMITTEE APPOINTED TO TRANSLATE CODE  
5 OF IOWA.  
6 1. The governor shall appoint a committee  
7 consisting of fifty-four citizens of this state who  
8 meet the criteria of "learned persons" to translate  
9 the Code of Iowa into American English. The committee  
10 shall complete its duties no later than June 30, 2003.  
11 2. One-fifth of the members of the committee, as  
12 nearly as possible, shall be residents of each  
13 congressional district of this state and each one-  
14 fifth portion of the committee shall serve as a  
15 subcommittee. The committee shall meet to determine  
16 the duties assigned to each of the five subcommittees.  
17 3. The guidelines that the committee shall use in  
18 its translation of the Code of Iowa are:  
19 a. Follow the Code of Iowa so far as the fidelity  
20 to the original sources will allow.  
21 b. Maintain the current chapters, only reordering  
22 chapters where strictly necessary.  
23 c. Where especially difficult passages occur,  
24 preference shall be given to the most commonly  
25 accepted translation by the average learned Iowan.  
26 d. Any words that need to be inserted for  
27 colloquial reasons shall be printed in italics.  
28 e. Inclusive language efforts shall be made to

- 29 reach gender neutrality.  
30 f. Final recommendations of the committee shall  
31 include the recognition of the definitive "English  
32 language" reference books to be used for future  
33 volumes and state documents.  
34 4. The committee shall issue its final report in  
35 writing to the governor and to the general assembly."  
36 2. By numbering as necessary.

STEVEN D. HANSEN

**S-3159**

- 1 Amend Senate File 165 as follows:  
2 1. Page 1, by striking lines 1 through 30 and  
3 inserting the following:  
4 "Section 1. NEW SECTION. 1E.1 STANDARD LANGUAGE.  
5 1. The standard language in this state is American  
6 English. All official documents, regulations, orders,  
7 transactions, proceedings, programs, meetings,  
8 publications, or actions taken or issued, which are  
9 conducted or regulated by, or on behalf of, or  
10 representing the state shall be in the English  
11 language.  
12 2. For the purposes of this section, "official  
13 action" means".  
14 2. Page 3, by inserting after line 9 the  
15 following:  
16 "Sec. \_\_\_\_\_. The Code editor is directed to codify  
17 section 1E.1 as enacted by this Act as a new section  
18 in a new chapter 1E entitled "State Symbols."  
19 3. By renumbering as necessary.

STEVEN D. HANSEN

**S-3160**

- 1 Amend Senate File 165 as follows:  
2 1. Page 1, by inserting after line 22 the  
3 following:  
4 "Under the minimum educational program for grades  
5 nine through twelve specified in section 256.11,  
6 subsection 5, paragraph "c", all students shall  
7 complete a minimum of two units of the English  
8 language, including one-half unit of the history and  
9 evolution of the English language from old English to  
10 American English."

STEVEN D. HANSEN

**S-3161**

- 1 Amend Senate File 165 as follows:
- 2 1. Page 2, line 4, by inserting after the word
- 3 "languages" the following: ", including but not
- 4 limited to the teaching of American sign language
- 5 (ASL)".

STEVEN D. HANSEN

**S-3162**

- 1 Amend Senate File 165 as follows:
- 2 1. Page 1, by striking lines 12 through 16.

STEVEN D. HANSEN

**S-3163**

- 1 Amend Senate File 165 as follows:
- 2 1. Page 1, line 9, by striking the word "Iowa"
- 3 and inserting the following: "Iowa's statehood".
- 4 2. Page 1, line 10, by striking the words
- 5 "States, the" and inserting the following: "States of
- 6 America, a".

STEVEN D. HANSEN

**S-3164**

- 1 Amend Senate File 165 as follows:
- 2 1. Page 1, line 6, by striking the word "The".
- 3 2. Page 1, by striking lines 7 and 8.
- 4 3. Page 1, lines 28 and 29, by striking the words
- 5 "and all of its political subdivisions".
- 6 4. Page 3, by striking lines 8 and 9.

STEVEN D. HANSEN

**S-3165**

- 1 Amend Senate File 165 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "language." the following: "In addition, the names of
- 4 all counties in this state shall be in the English
- 5 language or translated into the English language
- 6 equivalent."

JOHNIE HAMMOND

**S-3166**

- 1 Amend Senate File 165 as follows:  
2 1. Page 2, line 33, by inserting after the word  
3 "English" the following: "other than the  
4 disparagement and discouragement caused by this  
5 section".

JOHNIE HAMMOND

**S-3167**

- 1 Amend Senate File 165 as follows:  
2 1. Page 3, by inserting after line 9, the  
3 following:  
4 "Sec. \_\_\_\_ . CONTINGENT EFFECTIVE DATE. This Act  
5 shall only take effect upon a decision by the United  
6 States supreme court in Alexander v. Sandoval, No. 99-  
7 1908, upholding the constitutionality of the provision  
8 of the Constitution of the State of Alabama that  
9 establishes English as the official language of the  
10 state of Alabama."  
11 2. Title page, line 2, by inserting after the  
12 figure "2001" the following: "and providing a  
13 contingent effective date".  
14 3. By renumbering as necessary.

THOMAS FIEGEN

**S-3168**

- 1 Amend Senate File 165 as follows:  
2 1. Page 3, by inserting after line 9, the  
3 following:  
4 "Sec. \_\_\_\_ . Section 618.1, Code 2001, is repealed."  
5 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

**S-3169**

- 1 Amend Senate File 165 as follows:  
2 1. Page 2, line 24, by striking the words "or  
3 officer of state government" and inserting the  
4 following: ", officer of state government, or officer  
5 of a governmental subdivision, including but not  
6 limited to county, city, township, school district, or  
7 any other special purpose district".  
8 2. Page 2, by striking lines 26 and 27, and

9 inserting the following: "person in a language other  
10 than English."

MARK SHEARER

**S-3170**

1 Amend Senate File 165 as follows:  
2 1. Page 2, by inserting after line 27 the  
3 following:  
4 "This paragraph "a" also applies to employees of  
5 the department of corrections and employees of  
6 judicial district departments of correctional  
7 services."

ROBERT E. DVORSKY

**S-3171**

1 Amend Senate File 165 as follows:  
2 1. Page 1, by striking lines 3 through 16 and  
3 inserting the following:  
4 "\_\_\_ . The general assembly of the state of Iowa  
5 finds and declares the following:  
6 a. The state of Iowa is comprised of individuals  
7 from different ethnic, cultural, and linguistic  
8 backgrounds. The state of Iowa celebrates their  
9 contributions to Iowa's rich culture.  
10 b. Throughout the history of Iowa and of the  
11 United States, a common thread binding individuals of  
12 differing backgrounds together has been the English  
13 language.  
14 \_\_\_ . The citizenry of Iowa welcomes new Iowans and  
15 seeks to encourage and help every person in this state  
16 to become more proficient in the English language,  
17 thereby facilitating participation in the economic,  
18 political, and cultural activities of this state and  
19 of the United States."  
20 2. Page 3, by inserting after line 9 the  
21 following:  
22 "Sec. \_\_\_ . Section 280.4, subsection 3, Code 2001,  
23 is amended to read as follows:  
24 3. In order to provide funds for the excess costs  
25 of instruction of limited English proficient students  
26 above the costs of instruction of pupils in a regular  
27 curriculum, students identified as limited English  
28 proficient shall be assigned an additional weighting  
29 that shall be included in the weighted enrollment of  
30 the school district of residence for a period not  
31 exceeding ~~three~~ five years. However, the school  
32 budget review committee may grant supplemental aid or

33 modified allowable growth to a school district to  
 34 continue funding a program for students after the  
 35 expiration of the ~~three-year~~ five-year period. The  
 36 school budget review committee shall calculate the  
 37 additional amount for the weighting to the nearest  
 38 one-hundredth of one percent so that to the extent  
 39 possible the moneys generated by the weighting will be  
 40 equivalent to the moneys generated by the two-tenths  
 41 weighting provided prior to July 2, 1991."

42 3. Page 3, by inserting after line 9 the  
 43 following:

44 "Sec. \_\_\_\_\_. In addition to any moneys appropriated  
 45 by the general assembly to the department of education  
 46 for community colleges for the fiscal year beginning  
 47 July 1, 2001, and ending June 30, 2002, there is  
 48 appropriated from the general fund of the state to the  
 49 department of education for the fiscal year beginning  
 50 July 1, 2001, and ending June 30, 2002, the amount of

Page 2

1 seven hundred fifty thousand dollars to be allocated  
 2 by the department in an amount of fifty thousand  
 3 dollars to each community college for the development  
 4 of English language instruction programs to be offered  
 5 in the workplaces of employees."

6 4. Title page, line 2, by inserting after the  
 7 figure "2001" the following: "and making an  
 8 appropriation".

MICHAEL E. GRONSTAL  
 BETTY A. SOUKUP  
 TOM FLYNN  
 DENNIS H. BLACK  
 MARK SHEARER  
 STEVEN D. HANSEN  
 EUGENE S. FRAISE  
 PATRICK J. DELUHERY  
 THOMAS FIEGEN

## S-3172

1 Amend Senate File 165 as follows:

2 1. Page 1, line 7, by striking the word  
 3 "assimilation" and inserting the following:  
 4 "inclusion".

5 2. Page 1, line 10, by striking the words "the  
 6 common" and inserting the following: "a common".

MIKE CONNOLLY

**S-3173**

1 Amend Senate File 209 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. NEW SECTION. 165A.1 DEFINITIONS.

5 1. "Concentration point" means a location or  
6 facility where cattle are assembled for purposes of  
7 sale or resale for feeding, breeding, or slaughtering,  
8 and where contact may occur between groups of cattle  
9 from various sources. "Concentration point" includes  
10 a public stockyard, auction market, street market,  
11 state or federal market, untested consignment sales  
12 location, buying station, or a livestock dealer's  
13 yard, truck, or facility.

14 2. "Department" means the department of  
15 agriculture and land stewardship.

16 3. "Paratuberculosis" means a disease caused by  
17 the bacterium mycobacterium paratuberculosis, and  
18 which is also referred to as Johne's disease.

19 4. "Separate and apart" means to hold cattle so  
20 that neither the cattle nor organic material  
21 originating from the cattle has physical contact with  
22 other animals.

23 5. "Slaughtering establishment" means a  
24 slaughtering establishment operated under the  
25 provision of the federal Meat Inspection Act, 21  
26 U.S.C. } 601 et seq., or a slaughtering establishment  
27 that has been inspected by the state.

28 Sec. 2. NEW SECTION. 165A.2 ADMINISTRATION AND  
29 ENFORCEMENT.

30 The provisions of this chapter, including  
31 departmental rules adopted pursuant to this chapter,  
32 shall be administered and enforced by the department.  
33 The department may assess and collect civil penalties  
34 against persons in violation of this chapter as  
35 provided in section 165A.4. The attorney general may  
36 assist the department in the enforcement of this  
37 chapter.

38 Sec. 3. NEW SECTION. 165A.3 INFECTED CATTLE.

39 The owner of cattle infected with paratuberculosis  
40 shall comply with this chapter and chapter 163 as that  
41 chapter applies to cattle with a contagious disease.  
42 Infected cattle shall be immediately kept separate and  
43 apart and moved for slaughter to a concentration point  
44 or slaughtering establishment. Infected cattle that  
45 are kept at the concentration point shall also be kept  
46 separate and apart. The owner of infected cattle  
47 shall mark the cattle by punching the letter "J"  
48 through the right ears of the cattle as required by  
49 the department.

50 Sec. 4. NEW SECTION. 165A.4 ENFORCEMENT --

Page 2

1 PENALTY.

2 1. Except as provided in this subsection, a person  
3 violating a provision of this chapter or any rule  
4 adopted pursuant to this chapter shall be subject to a  
5 civil penalty of at least one hundred dollars but not  
6 more than one thousand dollars. The proceeding to  
7 assess a civil penalty shall be conducted as a  
8 contested case proceeding under chapter 17A.

9 2. In addition to any other remedies provided, the  
10 department may file a petition in the district court  
11 seeking an injunction restraining any person from  
12 violating provisions of this chapter including a rule  
13 adopted pursuant to this chapter.

14 Sec. 5. NEW SECTION. 172E.1 DEFINITIONS.

15 As used in this chapter, unless the context  
16 otherwise requires:

17 1. "Livestock" means the same as defined in  
18 section 717.1.

19 2. "Livestock market" means any place where  
20 livestock are assembled from two or more sources for  
21 public auction, private sale, or on a commission  
22 basis, which is under state or federal supervision,  
23 including a livestock sale barn or auction market, if  
24 such livestock are kept in the place for ten days or  
25 less.

26 3. "Packer" means a person who is engaged in the  
27 business of slaughtering livestock or receiving,  
28 purchasing, or soliciting livestock for slaughter. As  
29 used in this chapter, "packer" includes an agent of  
30 the packer engaged in buying or soliciting livestock  
31 for slaughter on behalf of a packer.

32 Sec. 6. NEW SECTION. 172E.2 MARKETING PRACTICES  
33 -- LIVESTOCK SOLD FOR SLAUGHTER.

34 1. If a livestock market accepts livestock upon  
35 condition that the livestock are to be moved directly  
36 to slaughter, the livestock shall be segregated with  
37 other livestock to be moved directly to slaughter  
38 until sold to a packer. A person other than a packer  
39 shall not purchase the livestock.

40 2. This section shall not supersede requirements  
41 relating to the movement or marketing of livestock  
42 infected with an infectious or contagious disease,  
43 including but not limited to those diseases enumerated  
44 in section 163.2.

45 Sec. 7. NEW SECTION. 172E.3 PENALTIES.

46 A person who purchases livestock at a livestock  
47 market in violation of this chapter is guilty of a  
48 simple misdemeanor.

49 Sec. 8. PARATUBERCULOSIS TASK FORCE.

50 1. A paratuberculosis task force is established

Page 3

1 for purposes of determining the prevalence of  
 2 paratuberculosis in this state and methods required to  
 3 control it, including the effectiveness and  
 4 practicability of requiring that cattle or only dairy  
 5 cattle be tested using a test currently or expected to  
 6 be licensed by the United States department of  
 7 agriculture to detect the presence of  
 8 paratuberculosis.

9 2. The task force shall be composed of the state  
 10 veterinarian who shall serve as chairperson, a member  
 11 of the faculty of Iowa state university appointed by  
 12 the dean of the college of agriculture, who is engaged  
 13 in the teaching of veterinary medicine and who is  
 14 knowledgeable regarding dairying, and the practicing  
 15 veterinarian who serves as a member of the livestock  
 16 health advisory council.

17 3. The task force shall submit a report to the  
 18 governor and general assembly by January 10, 2002.  
 19 The report shall contain its findings and any  
 20 recommendations."

21 2. Title page, line 1, by inserting after the  
 22 word "for" the following: "livestock, including".

JOHN P. KIBBIE  
 JOHN W. JENSEN

**S-3174**

1 Amend Senate File 278 as follows:

2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 481A.48, unnumbered paragraph  
 5 1, Code 2001, is amended to read as follows:  
 6 ~~No~~ A person, except as otherwise provided by law,  
 7 shall ~~not~~ willfully disturb, pursue, shoot, kill, take  
 8 or attempt to take or have in possession any of the  
 9 following game birds or animals except within the open  
 10 season established by the commission: ~~Gray~~ gray or  
 11 fox squirrel, bobwhite quail, cottontail or jack  
 12 rabbit, duck, snipe, pheasant, goose, woodcock,  
 13 partridge, mourning dove, coot, rail, ruffed grouse,  
 14 wild turkey, pigeons, or deer. The seasons, bag  
 15 limits, possession limits and locality shall be  
 16 established by the department or commission under the  
 17 authority of sections 456A.24, 481A.38, and 481A.39."

18 2. Page 3, by inserting after line 1, the  
 19 following:

20 "g. Mourning dove fee.....\$ 10.00"

21 3. Page 4, by inserting after line 9 the  
 22 following:

23 "Sec. \_\_\_\_ NEW SECTION. 483A.8A MOURNING DOVE  
 24 FEE.  
 25 A person sixteen years of age or older shall not  
 26 hunt or take any mourning dove within this state  
 27 without first paying a mourning dove fee. The  
 28 director shall determine the means and method of  
 29 collecting the mourning dove fees."  
 30 4. By renumbering as necessary.

DAVID MILLER  
 DICK L. DEARDEN

### S-3175

- 1 Amend Senate File 289 as follows:  
 2 1. Page 1, line 5, by striking the words "at  
 3 least one day".  
 4 2. Page 1, by striking lines 8 through 16.  
 5 3. Page 1, line 17, by striking the figure "3."

COMMITTEE ON LOCAL GOVERNMENT  
 DAVID MILLER, Chair

### S-3176

- 1 Amend Senate File 278 as follows:  
 2 1. Page 5, line 3, by striking the word  
 3 "paragraph" and inserting the following:  
 4 "paragraphs".  
 5 2. Page 5, by inserting after line 20, the  
 6 following:  
 7 "NEW PARAGRAPH. f. (1) Notwithstanding section  
 8 481C.2, a landowner who incurs crop or nursery damage  
 9 caused by deer population may apply to the department  
 10 for not more than ten deer depredation permits for  
 11 each farm unit of eighty acres where the damage has  
 12 occurred. The department shall specify, by rule, a  
 13 proportional number of permits which may be issued for  
 14 farm units based on the size of the farm unit, damage  
 15 done, and deer population. The application shall  
 16 specify the crops or nursery stock damaged, the  
 17 estimated amount of damage, and the area of the farm  
 18 unit where the damage occurred. Each application  
 19 shall also be accompanied by a fee of ten dollars for  
 20 each deer depredation permit requested. The permit is  
 21 valid only from September 1 through the succeeding  
 22 March 1 for taking a deer of either sex on the farm  
 23 unit specified on the application. If additional deer  
 24 depredation damage occurs after ten deer have been  
 25 taken on a farm unit, not more than ten additional  
 26 depredation permits may be issued with the approval of

27 a representative of the department for the same fee  
 28 for each permit. A postcard shall be issued with each  
 29 depredation permit. A person taking a deer with the  
 30 depredation permit shall complete and return the  
 31 postcard to the department within ten days after  
 32 taking the deer. An unused depredation permit and  
 33 postcard shall be returned to the department by March  
 34 10 following the expiration of the depredation permit.  
 35 (2) A landowner who has been issued a deer  
 36 depredation permit pursuant to subparagraph (1) may  
 37 sell or give the deer depredation permit to hunt on  
 38 the specified farm unit to any person who is otherwise  
 39 licensed, except for a deer license, to hunt in this  
 40 state. If a deer depredation permit is used by any  
 41 person other than the landowner, the name and address  
 42 of the user shall be legibly written on the permit and  
 43 on the return postcard."

THOMAS FIEGEN

### S-3177

1 Amend Senate File 224 as follows:  
 2 1. Page 1, by inserting after line 25, the  
 3 following:  
 4 "Sec. \_\_\_. Section 598.19A, Code 2001, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 3A. If participation in the  
 7 court-approved course is waived or delayed for good  
 8 cause or is otherwise not required under this section,  
 9 the court may order that the parties receive the  
 10 information described in subsection 4 through an  
 11 alternative format."  
 12 2. By renumbering as necessary.

JEFF LAMBERTI

### S-3178

1 Amend Senate File 418 as follows:  
 2 1. Page 2, by inserting after line 32 the  
 3 following:  
 4 "Sec. 6. EFFECTIVE DATE. This Act, being deemed  
 5 of immediate importance, takes effect upon enactment."  
 6 2. Title page, line 4, by inserting after the  
 7 word "tribe" the following: "and providing an  
 8 effective date".

PATRICIA HARPER

## S-3179

1 Amend Senate Concurrent Resolution 13 as follows:  
2 1. By striking page 1, line 8, through page 2,  
3 line 11, and inserting the following:  
4 "A Concurrent Resolution requesting the congressional  
5 delegation of the state of Iowa to support a  
6 bipartisan effort to provide tax relief.  
7 WHEREAS, the prosperity of the past decade as the  
8 result of fiscal policies by President Bush and  
9 President Clinton has provided us with the opportunity  
10 to reduce taxes; and  
11 WHEREAS, a portion of government surpluses should  
12 be returned to the taxpayers; and  
13 WHEREAS, all families deserve a reduction in their  
14 tax rates; and  
15 WHEREAS, Iowa's Senator Charles E. Grassley, Chair  
16 of the Senate Finance Committee, has wisely held up  
17 consideration of tax changes until May 2001, thereby  
18 refusing to rush to judgment and to provide time for  
19 additional discussion; and  
20 WHEREAS, the opportunity exists for the United  
21 States Congress to provide tax relief this year and  
22 address other pressing national problems; NOW  
23 THEREFORE,  
24 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
25 REPRESENTATIVES CONCURRING, That the General Assembly  
26 urges Iowa's elected Senators and Representatives in  
27 the United States Congress to support and work to pass  
28 a fiscally responsible, commonsense package of tax  
29 relief and budget measures that not only provides  
30 substantial tax savings but also addresses pressing  
31 national priorities such as the establishment of a  
32 prescription drug benefit plan for America's seniors,  
33 the strengthening of the social security and Medicare  
34 systems, and a substantial reduction in the national  
35 debt.  
36 BE IT FURTHER RESOLVED, That, upon passage, copies  
37 of this Resolution shall be sent by the Secretary of  
38 the Senate to Senator Charles E. Grassley, Senator Tom  
39 Harkin, Representative Jim Leach, Representative Jim  
40 Nussle, Representative Leonard Boswell, Representative  
41 Greg Ganske, and Representative Tom Latham."

THOMAS FIEGEN  
TOM FLYNN  
MICHAEL E. GRONSTAL  
DENNIS H. BLACK  
BETTY A. SOUKUP  
PATRICIA HARPER  
MARK SHEARER  
JOHN P. KIBBIE

EUGENE S. FRAISE  
 WALLY E. HORN  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 JACK HOLVECK  
 DICK L. DEARDEN  
 JOE BOLKCOM  
 ROBERT E. DVORSKY  
 JOHNIE HAMMOND  
 MATT McCOY  
 STEVEN D. HANSEN  
 BILL FINK

**S-3180**

- 1 Amend Senate File 184 as follows:  
 2 1. Page 1, line 24, by striking the word "two"  
 3 and inserting the following: "one".  
 4 2. Page 2, line 11, by striking the word "county"  
 5 and inserting the following: "county."  
 6 3. Page 2, by striking line 12.

COMMITTEE ON WAYS AND MEANS  
 LARRY McKIBBEN, Chair

**S-3181**

- 1 Amend Senate File 348 as follows:  
 2 1. Page 3, by striking lines 6 and 7 and  
 3 inserting the following: "school. The sponsor shall  
 4 provide for an election for".  
 5 2. Page 3, by inserting after line 27 the  
 6 following:  
 7 "\_\_\_\_. Notwithstanding subsection 1, a sponsor that  
 8 wishes to operate a charter school within the  
 9 boundaries of a school district shall apply to that  
 10 district's school board for approval. If the school  
 11 board denies the application, the decision of the  
 12 school board is final and not subject to review by any  
 13 court or agency. A school board seeking to sponsor a  
 14 charter school within its own boundaries is exempt  
 15 from this subsection."  
 16 3. By striking page 3, line 32 through page 4,  
 17 line 1 and inserting the following: "not to sponsor a  
 18 charter school, the decision of the school board is  
 19 final and not subject to review by any court or  
 20 agency."  
 21 4. Page 7, by striking lines 26 through 33 and  
 22 inserting the following: "decision in a timely  
 23 manner, the failure to notify shall be deemed a  
 24 denial, and the decision of the school board to deny

25 approval is final and not subject to review by any  
 26 court or agency."  
 27 5. Page 13, by striking lines 19 through 24 and  
 28 inserting the following: "management, approves the  
 29 lease."  
 30 6. Page 15, by striking lines 2 through 5 and  
 31 inserting the following: "taxation. Except as  
 32 provided in section 256F.5, subsection 1, paragraph  
 33 "f", a pilot charter school shall not levy taxes or  
 34 issue bonds for any purpose. The operation".

JEFF ANGELO

### S-3182

1 Amend Senate File 241 as follows:  
 2 1. Page 1, line 14, by inserting after the word  
 3 "person." the following: "The clerk shall open the  
 4 file upon application to and order of the court for  
 5 good cause shown."

ROBERT E. DVORSKY  
 JOE BOLKCOM

### S-3183

1 Amend Senate File 259 as follows:  
 2 1. Page 1, by striking lines 7 through 19 and  
 3 inserting the following: "~~used for the purposes of~~  
 4 ~~section 915.41 and this subchapter as cash~~  
 5 ~~contributions to crime victims. In addition, the~~  
 6 ~~department may use moneys from the fund for the~~  
 7 ~~purposes of section 236.15 and for the award of funds~~  
 8 ~~to programs that provide services and support to~~  
 9 ~~victims of domestic abuse or sexual assault as~~  
 10 ~~provided in chapter 236. Notwithstanding section~~  
 11 ~~8.33, any balance in the fund on June 30 of any fiscal~~  
 12 ~~year shall not revert to the general fund of the~~  
 13 ~~state.~~"

STEVE KING

### S-3184

1 Amend Senate File 259 as follows:  
 2 1. Page 1, by striking lines 7 through 16 and  
 3 inserting the following: "~~used for the purposes of~~  
 4 ~~section 915.41 and this subchapter exclusively for~~  
 5 ~~cash contributions to crime victims. In addition, the~~  
 6 ~~department may use moneys from the fund for the~~  
 7 ~~purposes of section 236.15 and for the award of funds~~

8 ~~to programs that provide services and support to~~  
 9 ~~victims of domestic abuse or sexual assault as~~  
 10 ~~provided in chapter 236."~~

STEVE KING

**S-3185**

1 Amend Senate File 242 as follows:  
 2 1. Page 1, by striking lines 1 through 6, and  
 3 inserting the following:  
 4 "Section 1. Section 135B.7, Code 2001, is amended  
 5 by adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. The department shall  
 7 adopt rules that require hospitals to establish  
 8 procedures for authentication of medication and  
 9 standing orders by a practitioner within a period not  
 10 to exceed thirty days following a patient's  
 11 discharge."  
 12 2. Title page, line 2, by striking the word  
 13 "verbal" and inserting the following: "medication and  
 14 standing".

JOHN REDWINE  
 MERLIN E. BARTZ

**S-3186**

1 Amend Senate File 240 as follows:  
 2 1. Page 3, by striking lines 7 through 13 and  
 3 inserting the following: "total of six public  
 4 schools, four located in school districts with an  
 5 actual enrollment of one thousand pupils or less, and  
 6 two located in school districts with an actual  
 7 enrollment of over one thousand pupils. The  
 8 department shall notify all applicant".

MARY E. KRAMER  
 NANCY BOETTGER  
 JOHN REDWINE  
 BETTY A. SOUKUP

**S-3187**

1 Amend Senate File 170 as follows:  
 2 1. Page 1, by inserting after line 13 the  
 3 following:  
 4 "Sec. \_\_\_\_ NEW SECTION. 92.7A SIXTEEN AND  
 5 SEVENTEEN -- HOURS PERMITTED.  
 6 Unless a person sixteen or seventeen years of age  
 7 agrees voluntarily to the employment hours, the person

8 shall not be employed with or without compensation,  
 9 except as provided in sections 92.2 and 92.3, before  
 10 the hour of seven a.m. or after nine p.m., except  
 11 during the period from June 1 through Labor Day when  
 12 the hours may be extended to eleven p.m. If the  
 13 person is employed for a period of five hours or more  
 14 each day, an intermission of not less than thirty  
 15 minutes shall be given. The person shall not be  
 16 employed for more than eight hours in one day  
 17 exclusive of intermission, and shall not be employed  
 18 for more than forty hours in one week, unless the  
 19 person voluntarily agrees to the employment hours.  
 20 Unless the person voluntarily agrees to the employment  
 21 hours, the hours of work of a person sixteen or  
 22 seventeen years of age employed outside school hours  
 23 shall not exceed four in one day or twenty-eight in  
 24 one week while school is in session. The employment  
 25 of a person who is sixteen or seventeen years of age  
 26 shall not be terminated because the person refused to  
 27 work beyond the hours specified in this section."  
 28 2. Title page, line 1, by striking the word  
 29 "training".  
 30 3. By renumbering as necessary.

JOHNIE HAMMOND

### S-3188

1 Amend the amendment, S-3173, to Senate File 209, as  
 2 follows:  
 3 1. Page 1, by striking lines 39 through 46, and  
 4 inserting the following: "The owner of infected  
 5 cattle".  
 6 2. Page 3, line 14, by striking the words "and  
 7 the" and inserting the following: "the".  
 8 3. Page 3, line 16, by inserting after the word  
 9 "council" the following: ", a person actively engaged  
 10 in beef cattle production who is appointed by the Iowa  
 11 cattlemen's association, and a person actively engaged  
 12 in dairying who is appointed by the Iowa dairy  
 13 products association".

JOHN P. KIBBIE  
 JOHN W. JENSEN

### S-3189

1 Amend Senate File 393 as follows:  
 2 1. Page 1, by striking lines 17 through 25, and  
 3 inserting the following:  
 4 "3. If a petition related to a plan of restitution

5 has been filed, the offender, the county attorney, the  
 6 department of corrections if the offender is currently  
 7 confined in a correctional institution, the office or  
 8 individual who prepared the offender's restitution  
 9 plan, and the victim, shall receive notice prior to  
 10 any hearing under this section."

JEFF ANGELO

**S-3190**

1 Amend Senate File 353 as follows:  
 2 1. Page 5, lines 27 and 28, by striking the words  
 3 "AND SEPARATE MAINTENANCE IN" and inserting the  
 4 following: "OF".  
 5 2. Page 5, by striking lines 31 and 32, and  
 6 inserting the following: "party to a covenant  
 7 marriage may obtain a dissolution of marriage, only".  
 8 3. Page 6, by inserting after line 8, the  
 9 following:  
 10 "1A. In all proceedings for dissolution of  
 11 marriage pursuant to subsection 1, the court may issue  
 12 an order of temporary support and maintenance during  
 13 the pendency of the proceedings. Notwithstanding the  
 14 time period requirements of the grounds specified  
 15 pursuant to subsection 1, paragraph "c" or "e", a  
 16 party to a covenant marriage may petition the court  
 17 for separate support and maintenance prior to the  
 18 elapsing of the specified time period."  
 19 4. Page 6, lines 9 and 10, by striking the words  
 20 "separate support and maintenance or".  
 21 5. Page 6, lines 23 and 24, by striking the words  
 22 "separate support and maintenance or".  
 23 6. Page 6, lines 29 and 30, by striking the words  
 24 "or order of separate support and maintenance relating  
 25 to".  
 26 7. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES  
 JOHN REDWINE, Chair

**S-3191**

1 Amend Senate File 342 as follows:  
 2 1. Page 1, by inserting after line 7, the  
 3 following:  
 4 "Sec. 100. Section 50.9, Code 2001, is amended to  
 5 read as follows:  
 6 50.9 RETURN OF BALLOTS NOT VOTED.  
 7 Ballots not voted, or spoiled by voters while  
 8 attempting to vote, shall be returned by the precinct

9 election officials to the commissioner, and a receipt  
10 taken for the ballots. The ballots for a federal  
11 office shall be preserved for twenty-two months  
12 following elections for federal offices and for six  
13 months following elections for all other offices the  
14 election. The ballots for elections for all other  
15 offices shall not be destroyed until the day following  
16 the final day to contest the election, or the day  
17 after final determination of any pending contest of  
18 the election, whichever is later.

19 Sec. \_\_\_. APPLICABILITY. Section 100 of this Act  
20 applies to elections occurring on or after the  
21 effective date of this Act."

22 2. Title page, line 1 by inserting after the word  
23 "Act" the following: "relating to the conduct of  
24 elections by providing for the destruction of ballots  
25 not voted and including an applicability provision,  
26 and".

27 3. By renumbering as necessary.

STEVEN D. HANSEN

### S-3192

1 Amend Senate File 342 as follows:

2 1. Page 1, by inserting after line 7, the  
3 following:

4 "Sec. \_\_\_. Section 53.2, unnumbered paragraph 1,  
5 Code 2001, is amended to read as follows:

6 Any registered voter, under the circumstances  
7 specified in section 53.1, may on any day, except  
8 election day, and not more than seventy days prior to  
9 the date of the election, apply in person for an  
10 absentee ballot at the commissioner's office or at any  
11 location designated by the commissioner, or make  
12 written application to the commissioner for an  
13 absentee ballot. However, for those elections in  
14 which the commissioner directs the polls be opened at  
15 noon pursuant to section 49.73, a voter may apply in  
16 person for an absentee ballot at the commissioner's  
17 office from eight a.m. until eleven a.m. on election  
18 day. The state commissioner shall prescribe a form  
19 for absentee ballot applications. However, if a  
20 registered voter submits an application that includes  
21 all of the information required in this section, the  
22 prescribed form is not required. Absentee ballot  
23 applications may include instructions to send the  
24 application directly to the county commissioner of  
25 elections. However, no absentee ballot application  
26 shall be preaddressed or printed with instructions to  
27 send the applications to anyone other than the  
28 appropriate commissioner."

- 29 2. Title page, line 1, by inserting after the  
 30 word "Act" the following: "relating to the conduct of  
 31 elections by allowing absentee voting at the  
 32 commissioner's office on election day in certain  
 33 elections and by".  
 34 3. By renumbering as necessary.

STEVEN D. HANSEN

**S-3193**

- 1 Amend Senate File 342 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 49.64, Code 2001, is amended  
 5 to read as follows:  
 6 49.64 NUMBER OF BALLOTS DELIVERED.  
 7 The commissioner shall ~~cause ballots of the kind to~~  
 8 ~~be voted in each precinct, to be delivered~~ deliver to  
 9 the precinct election officials as follows: ~~in~~  
 10 ~~general elections which are presidential elections~~  
 11 ~~seventy-five ballots for every fifty votes, or~~  
 12 ~~fraction thereof, cast in said precinct at the last~~  
 13 ~~preceding general election which was also a~~  
 14 ~~presidential election; and in general elections which~~  
 15 ~~are not presidential elections, seventy-five ballots~~  
 16 ~~for every fifty votes, or fraction thereof, cast~~  
 17 ~~therein at the last preceding general election which~~  
 18 ~~was not a presidential election~~ a sufficient number of  
 19 ballots of each kind to be voted in the precinct. In  
 20 determining the number of ballots, the commissioner  
 21 shall take into consideration the number of active and  
 22 inactive registered voters in the precinct, the number  
 23 of people who voted in the precinct in previous  
 24 similar elections, the number of contested and  
 25 uncontested races on the ballot, public measures  
 26 appearing on the ballot, and the local political  
 27 conditions that may affect participation in the  
 28 election."  
 29 2. Title page, line 1, by inserting before the  
 30 word "requiring" the following: "relating to the  
 31 conduct of elections by determining the number of  
 32 ballots to be delivered to polling places for primary  
 33 and general elections and by".  
 34 3. By renumbering as necessary.

STEVEN D. HANSEN

**S-3194**

1 Amend Senate File 342 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. NEW SECTION. 49B.1 MAIL BALLOT  
5 ELECTIONS.

6 A mail ballot election may be conducted in cities  
7 with a population of two hundred or less as provided  
8 in this chapter.

9 Sec. \_\_\_\_ NEW SECTION. 49B.2 DEFINITIONS.

10 As used in this chapter, unless the context  
11 otherwise requires:

12 1. "Election day" is the date established by law  
13 on which a particular election would be held if that  
14 election were being conducted by means other than a  
15 mail ballot election.

16 2. "Return verification envelope" means an  
17 envelope that contains a secrecy envelope and which is  
18 designed to allow election officials, upon examination  
19 of the outside of the envelope, to determine that the  
20 ballot is being submitted by someone who is in fact a  
21 registered voter and who has not already voted.

22 3. "Secrecy envelope" means an envelope used to  
23 contain the elector's ballot and that is designed to  
24 conceal the voter's vote and to prevent the voter's  
25 ballot from being distinguished from the ballots of  
26 other voters.

27 Sec. \_\_\_\_ NEW SECTION. 49B.3 MAIL BALLOT  
28 ELECTION PROCEDURE.

29 The state commissioner of elections shall prescribe  
30 uniform procedures and forms to be used in the conduct  
31 of mail ballot elections.

32 Sec. \_\_\_\_ NEW SECTION. 49B.4 INITIATION BY  
33 GOVERNING BODY.

34 1. The city council of a city may, by resolution,  
35 request that the county commissioner of elections  
36 conduct the regular city election or a special city  
37 election under this chapter. Only a city with two  
38 hundred or fewer registered voters at the time the  
39 resolution is adopted may make such a request. The  
40 council must file the resolution with the county  
41 commissioner not later than ninety days before the  
42 date of the election. The commissioner shall approve  
43 the request if the commissioner determines that it is  
44 economically and administratively feasible to conduct  
45 the regular city election or a special city election  
46 by mail.

47 2. After the resolution is approved, the county  
48 commissioner shall prepare a written plan for conduct  
49 of the election as provided in section 49B.5. At  
50 least seventy-one days before the date set for the

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1 election, the county commissioner shall forward a copy  
2 of the written plan to the city council concerned.

3 Sec. \_\_\_\_ NEW SECTION. 49B.5 WRITTEN PLAN FOR  
4 CONDUCT OF ELECTION -- AMENDMENTS -- APPROVAL  
5 PROCEDURE.

6 1. The county commissioner shall prepare a written  
7 plan, including a timetable, for the conduct of a mail  
8 ballot election and shall submit it to the state  
9 commissioner of elections at least seventy-one days  
10 before the date of the election.

11 2. The plan may be amended by the county  
12 commissioner any time before the sixty-fourth day  
13 before the date of the election by notifying the state  
14 commissioner of elections in writing of any changes.

15 3. Within five days after receiving the plan, and  
16 as soon as possible after receiving any amendments,  
17 the state commissioner of elections shall approve,  
18 disapprove, or recommend changes to the plan or  
19 amendments. The final plan shall be approved and  
20 available to the public at least two days before the  
21 deadline for candidates to file nomination papers in  
22 the office of the city clerk.

23 4. When the written plan has been approved, the  
24 county commissioner shall proceed to conduct the  
25 election according to the approved plan.

26 Sec. \_\_\_\_ NEW SECTION. 49B.6 PUBLICATION OF  
27 NOTICE.

28 The county commissioner shall, not more than ten  
29 days and not less than four days before the date that  
30 ballots are to be mailed, publish notice that a mail  
31 ballot election will be conducted. The notice shall  
32 be published in a newspaper of general circulation in  
33 each city for which the mail ballot election will be  
34 conducted. The notice shall include all of the  
35 following information:

36 1. The date ballots will be mailed.

37 2. The last day that a voter can request an  
38 absentee ballot.

39 3. Voter registration deadlines.

40 4. Location or locations where mail ballots can be  
41 deposited pursuant to section 49B.13.

42 5. Instructions for obtaining a replacement ballot  
43 if a voter's ballot is destroyed, spoiled, lost, or  
44 not received pursuant to section 49B.9.

45 The county commissioner is not required to publish  
46 a sample ballot.

47 Sec. \_\_\_\_ NEW SECTION. 49B.7 MAILING BALLOTS.

48 1. Official ballots for a mail ballot election  
49 shall be prepared and all other initial procedures for  
50 elections shall be followed as otherwise provided by

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1 law.

2 2. The county commissioner of elections shall mail  
3 an official ballot to every registered voter of the  
4 city conducting the election on a date not sooner than  
5 the twentieth day before the date of the election and  
6 not later than the tenth day before the date of the  
7 election. An exception shall be made for those  
8 ballots delivered as prescribed in section 49B.12.

9 3. All ballots shall be mailed by first class  
10 mail.

11 4. Ballots mailed by the county commissioner shall  
12 be addressed to the address of each voter appearing in  
13 the registration records of the city, and placed in an  
14 envelope which is prominently marked "Do Not Forward".

15 5. The ballot shall contain the following warning:

16 "Any person who, by use of violence, threats of  
17 violence, or any means of duress, procures the vote of  
18 a voter for or against any measure or candidate is  
19 subject, upon conviction, to imprisonment or to a  
20 fine, or both."

21 Sec. \_\_\_\_ NEW SECTION. 49B.8 REGISTRATION.

22 The county commissioner shall not mail a ballot  
23 under this chapter to any voter not registered thirty  
24 days before the date of the election. Voters  
25 registered less than thirty days before the date of  
26 the election, but before the close of registration,  
27 may apply for a ballot under section 49B.9.

28 Sec. \_\_\_\_ NEW SECTION. 49B.9 REPLACEMENT  
29 BALLOTS.

30 If the mail ballot is destroyed, spoiled, lost, or  
31 not received by the voter, the voter may obtain a  
32 replacement ballot from the county commissioner as  
33 provided in this section. A voter seeking a  
34 replacement ballot shall sign a statement, on a form  
35 prescribed by the state commissioner, that the ballot  
36 was destroyed, spoiled, lost, or not received. The  
37 voter or the voter's designee shall deliver the  
38 statement to the county commissioner before noon on  
39 the date of the election. The voter may mail the  
40 statement to the county commissioner. However, a  
41 county commissioner shall not transmit a ballot by  
42 mail under this section unless the statement is  
43 received before five p.m. on the fourth day before the  
44 date of the election. When a statement is timely  
45 received under this section, the county commissioner  
46 shall give the ballot to the voter if the voter is  
47 present in the office of the county commissioner, or  
48 promptly mail the ballot to the voter at the address  
49 contained in the statement, except when prohibited by  
50 this section. If the voter is present in the county

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1 commissioner's office, the ballot shall be voted at  
2 that time. The county commissioner shall keep a  
3 record of each replacement ballot provided under a  
4 section. If a voter, having received and voted a  
5 replacement ballot as provided under this section,  
6 later finds the lost ballot, the voter shall return  
7 the lost ballot to the county commissioner.

8 Sec. \_\_\_\_ NEW SECTION. 49B.10 VOTING AND RETURN  
9 OF BALLOT.

10 1. A registered voter, upon receipt of a mail  
11 ballot, shall mark the ballot in such a manner that no  
12 other person will know how the ballot is marked and  
13 shall place it in the secrecy envelope provided with  
14 the ballot.

15 A voter who is blind, cannot read, or because of a  
16 physical disability is unable to mark the ballot, may  
17 be assisted by any person selected by the voter.

18 2. The voter shall place the secrecy envelope  
19 containing the ballot in the return verification  
20 envelope and sign and securely seal the return  
21 verification envelope. The sealed return verification  
22 envelope shall be returned to the county commissioner  
23 by one of the following methods:

24 a. The sealed return verification envelope may be  
25 delivered by the registered voter or the voter's  
26 designee to the county commissioner's office or a  
27 place designated by the commissioner no later than the  
28 time the polls close on election day.

29 b. The sealed return verification envelope may be  
30 mailed, postage paid, to the county commissioner. In  
31 order for the ballot to be counted, the return  
32 verification envelope must be clearly postmarked by an  
33 officially authorized postal service not later than  
34 the day before the election and received by the county  
35 commissioner not later than the time established for  
36 the canvass by the board of supervisors for that  
37 election. The county commissioner shall contact the  
38 post office serving the county commissioner's office  
39 at the latest practical hour before the canvass by the  
40 board of supervisors for that election, and shall  
41 arrange for return verification envelopes received in  
42 that post office but not yet delivered to the  
43 commissioner's office to be brought to the  
44 commissioner's office before the canvass for that  
45 election by the board of supervisors.

46 Sec. \_\_\_\_ NEW SECTION. 49B.11 ABSENTEE BALLOTS.

47 1. A registered voter who will be absent from the  
48 city during the time when the ballots are mailed may  
49 do either of the following:

50 a. Vote in person in the county commissioner's

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1 office as soon as ballots are available and until noon  
2 the day before the ballots are scheduled to be mailed.  
3 b. Make a written request, signed by the voter and  
4 addressed to the county commissioner, that the ballot  
5 be mailed to an address other than that which appears  
6 on the voter's registration record. Written requests  
7 shall be accepted until noon the day before the  
8 ballots are scheduled to be mailed.

9 2. Ballots mailed to voters pursuant to this  
10 section shall be mailed the same day that all other  
11 ballots are mailed.

12 Sec. \_\_\_\_ NEW SECTION. 49B.12 BALLOTING BY  
13 CONFINED PERSONS.

14 A person who is a resident or patient in a health  
15 care facility or hospital located in the county in  
16 which the election is to be held shall not be mailed a  
17 ballot but shall have a ballot delivered in the manner  
18 prescribed by section 53.22, subsection 1.

19 Sec. \_\_\_\_ NEW SECTION. 49B.13 PERSONAL DELIVERY  
20 OF MAIL BALLOT -- BALLOT DROPOFF STATIONS.

21 A ballot dropoff station for the deposit of mail  
22 ballots may be established in the city conducting the  
23 mail ballot election at the direction of the county  
24 commissioner. A ballot dropoff station established at  
25 the direction of the commissioner shall be open from  
26 eight a.m. until five p.m. on the day of the election.

27 Sec. \_\_\_\_ NEW SECTION. 49B.14 RECEIPT OF BALLOT  
28 -- SIGNATURE VERIFICATION.

29 When a mail ballot is returned, the county  
30 commissioner, or the county commissioner's designees,  
31 shall first examine the return verification envelope  
32 to determine whether it was submitted by a registered  
33 voter who has not previously voted. A ballot shall be  
34 counted only if it is returned in the return  
35 verification envelope, the envelope is signed by the  
36 voter to whom the ballot is issued, and the signature  
37 has been verified as provided in this section.

38 The county commissioner or the county  
39 commissioner's designees shall verify the signature of  
40 each voter on the return verification envelope with  
41 the signature in the voter's registration records and  
42 may commence verification at any time before election  
43 day. If a voter to whom a replacement ballot has been  
44 issued under section 49B.9 returns more than one  
45 ballot, only the replacement ballot shall be counted.

46 If the voter's signature is verified and the ballot  
47 is otherwise valid, the county commissioner or the  
48 county commissioner's designees shall deposit the  
49 ballot unopened in an official ballot box.

50 Sec. \_\_\_\_ NEW SECTION. 49B.15 PROCEDURE FOR

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1 INVALID BALLOTS.

2 If the county commissioner is not convinced that  
3 the individual who signed the return verification  
4 envelope is the voter whose name appears on the  
5 registration card, the county commissioner shall not  
6 deposit the ballot in a ballot box but shall do all of  
7 the following:

8 1. Give notice to the voter as follows:

9 a. As soon as possible after receipt of a voter's  
10 ballot, give notice to the voter, either by telephone  
11 or by first class mail, if the county commissioner is  
12 unable to verify the voter's signature.

13 b. Inform the voter that the voter may appear in  
14 person at the county commissioner's office before the  
15 close of the polls on election day and verify the  
16 signature.

17 2. Permit any voter appearing pursuant to  
18 subsection 1, paragraph "b", to:

19 a. Verify the voter's signature, after proof of  
20 identification, by affirming that the signature is in  
21 fact the voter's or by completing a new registration  
22 card containing the voter's current signature.

23 b. If necessary, request and receive a replacement  
24 ballot and vote at that time.

25 3. If the discrepancy is not rectified to the  
26 county commissioner's satisfaction, present the  
27 unopened envelope and the registration card to the  
28 special precinct election board for a determination.  
29 If the election board is unable to resolve the issue  
30 to its satisfaction, the ballot shall not be counted.

31 Sec. \_\_. NEW SECTION. 49B.16 COUNTING BALLOTS.

32 Mail ballots shall be counted in the manner  
33 prescribed by section 53.23 for absentee ballots. The  
34 county commissioner shall supervise the procedures for  
35 the handling, counting, and canvassing of ballots to  
36 ensure the safety and confidentiality of all ballots.

37 Sec. \_\_. NEW SECTION. 49B.17 CHALLENGES.

38 Votes cast pursuant to this chapter may be  
39 challenged in the manner prescribed by section 53.31  
40 for absentee ballots.

41 Sec. \_\_. NEW SECTION. 49B.18 CANVASS OF VOTES.

42 The provisions of chapter 50 relating to canvass of  
43 votes apply to this chapter only to the extent they do  
44 not conflict with this chapter.

45 Sec. \_\_. NEW SECTION. 49B.19 OTHER LAWS.

46 All laws which apply to elections apply to mail  
47 ballot elections held under this chapter to the extent  
48 applicable.

49 Sec. \_\_. NEW SECTION. 49B.20 RULES.

50 The state commissioner of elections shall adopt

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1 rules pursuant to chapter 17A to govern the procedures  
2 and forms necessary to implement this chapter. The  
3 authority of the state commissioner to adopt rules  
4 under this chapter shall be liberally construed.  
5 Sec. \_\_\_\_ NEW SECTION. 49B.21 MISCONDUCT --  
6 VIOLATIONS -- PENALTIES.  
7 1. A person who, by use of violence, threats of  
8 violence, or any means of duress, procures or  
9 endeavors to procure the vote of a voter for or  
10 against any measure or candidate commits an aggravated  
11 misdemeanor.  
12 2. A person who violates or attempts to violate  
13 any provision or requirement of this chapter for which  
14 a penalty is not otherwise provided commits a simple  
15 misdemeanor.  
16 Sec. \_\_\_\_ Section 39.3, Code 2001, is amended by  
17 adding the following new subsection:  
18 NEW SUBSECTION. 8A. "Mail ballot election" means  
19 an election conducted pursuant to chapter 49B."  
20 2. Title page, line 1, by inserting before the  
21 word "requiring" the following: "relating to the  
22 conducting of elections by allowing elections in  
23 certain cities to be conducted by mail ballots,  
24 providing penalties, and".  
25 3. By renumbering as necessary.

STEVEN D. HANSEN

## S-3195

1 Amend Senate File 225 as follows:  
2 1. Page 1, by inserting after line 8 the  
3 following:  
4 "Sec. \_\_\_\_ Section 822.2, Code 2001, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 4A. There exists fingerprint or  
7 DNA evidence that was not tested at the time of trial  
8 because testing was not available to the person."  
9 2. Page 1, by inserting after line 34 the  
10 following:  
11 "Sec. \_\_\_\_ NEW SECTION. 822A.1 PRESERVATION OF  
12 EVIDENCE.  
13 1. After the completion of a criminal case or  
14 appeal or the time for appeal has expired, the law  
15 enforcement agency responsible for gathering  
16 fingerprint or DNA evidence from the crime scene shall  
17 be responsible for the storage, chain of custody, and  
18 preservation of such evidence for a period of five  
19 years.  
20 2. Evidence preserved under subsection 1 may be

21 disposed of prior to the expiration of five years, if,  
 22 after giving notice to the defendant in the underlying  
 23 criminal case, the county attorney or the attorney  
 24 general makes an application to the court, and the  
 25 court determines by the preponderance of the evidence  
 26 any of the following:

27 a. The evidence to be preserved has no significant  
 28 value for fingerprint or DNA analysis and may be  
 29 returned to the rightful owner of the property or  
 30 destroyed if no rightful owner can be found.

31 b. There is a sufficient amount of fingerprint or  
 32 DNA evidence already preserved if future testing is  
 33 required.

34 c. The evidence to be preserved is too large or is  
 35 made of an unusual material that makes it impractical  
 36 for a law enforcement agency to preserve.

37 d. The defendant consents to the evidence being  
 38 destroyed."

39 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

**S-3196**

1 Amend Senate File 170 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 91D.1, subsection 1, paragraphs  
 5 a and d, Code 2001, are amended to read as follows:  
 6 a. The hourly wage stated in the federal minimum  
 7 wage law, pursuant to 29 U.S.C. } 206, shall be  
 8 increased to ~~\$3.85~~ \$5.65 on January 1, ~~of 1990, 2002,~~  
 9 ~~\$4.25 on January 1 of 1991,~~ and ~~\$4.65 to \$6.15 on~~  
 10 ~~January 1, of 1992 2003.~~  
 11 d. An employer is not required to pay an employee  
 12 the applicable minimum wage provided in paragraph "a"  
 13 until the employee has completed ninety calendar days  
 14 of employment with the employer. An employee who has  
 15 completed ninety calendar days of employment with the  
 16 employer prior to January 1, ~~of 1990 2002, 1991, or~~  
 17 ~~1992 January 1, 2003,~~ shall earn the applicable hourly  
 18 minimum wage. An employer shall pay an employee who  
 19 has not completed ninety calendar days of employment  
 20 with the employer an hourly wage of at least ~~\$3.35~~  
 21 \$5.15 as of January 1, ~~of 1990 2002, \$3.85 as of~~  
 22 ~~January 1 of 1991,~~ and ~~\$4.25~~ \$5.65 as of January 1, ~~of~~  
 23 ~~1992 2003.~~  
 24 Sec. \_\_\_\_ Section 91D.1, subsection 2, Code 2001,  
 25 is amended by striking the subsection."  
 26 2. Title page, line 1, by inserting after the  
 27 word "to" the following: "labor laws administered by  
 28 the labor commissioner, including the minimum wage

29 and".

30 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

**S-3197**

1 Amend Senate File 342 to read as follows:

2 1. Page 1, by inserting before line 1, the  
3 following:

4 "Section 1. Section 48A.6, subsection 1, Code  
5 2001, is amended to read as follows:

6 1. A person who has been convicted of a felony as  
7 defined in section 701.7, or convicted of an offense  
8 classified as a felony under federal law. ~~If~~ When the  
9 person's rights are later restored ~~by the governor, or~~  
10 ~~by the president of the United States, pursuant to~~  
11 section 914.8, the person may register to vote."

12 2. Page 1, by inserting after line 7, the  
13 following:

14 "Sec. \_\_\_\_ Section 914.2, Code 2001, is amended to  
15 read as follows:

16 914.2 RIGHT OF APPLICATION.

17 Except as otherwise provided in section 902.2 or  
18 914.8, a person convicted of a criminal offense has  
19 the right to make application to the board of parole  
20 for recommendation or to the governor for a reprieve,  
21 pardon, commutation of sentence, remission of fines or  
22 forfeitures, or restoration of rights of citizenship  
23 at any time following the conviction.

24 Sec. \_\_\_\_ Section 914.6, subsection 3, Code 2001,  
25 is amended to read as follows:

26 3. In the case of a remission of fines and  
27 forfeitures, restoration of rights of citizenship  
28 other than the right to register to vote and to vote,  
29 or a pardon, commutation of sentence, or reprieve, if  
30 the person is not in custody, one copy of the  
31 executive instrument shall be delivered to the person  
32 and one copy to the clerk of ~~the district~~ court where  
33 the judgment is of record. ~~A list of the restorations~~  
34 ~~of rights of citizenship issued by the governor shall~~  
35 ~~be delivered to the state registrar of voters at least~~  
36 ~~once each month.~~

37 Sec. \_\_\_\_ NEW SECTION. 914.8 RESTORATION OF  
38 RIGHT TO REGISTER AND TO VOTE.

39 1. A person convicted of a felony criminal offense  
40 who has been discharged from probation under section  
41 907.9, discharged from parole or work release under  
42 section 906.15, or who is released from confinement  
43 under section 902.6 because the person has completed  
44 the person's term of confinement shall have the right  
45 to register to vote and to vote restored in the manner

46 provided in this section.

47 2. Upon discharge from confinement or supervision,  
48 the department of corrections or judicial district  
49 department of correctional services, whichever is  
50 applicable, shall provide written notice to the

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1 inmate, parolee, or probationer of the person's  
2 discharge which shall include a statement that the  
3 person's right to register to vote and to vote has  
4 been restored.

5 3. The department of corrections shall monthly  
6 provide a list of all persons discharged from  
7 confinement or supervision to the state registrar of  
8 voters who shall provide the information to the county  
9 registrars of voters as deemed necessary."

10 3. Title page, line 2, by inserting after the  
11 word "voting" the following: "and restoring for  
12 certain persons the right to register to vote and to  
13 vote".

14 4. By renumbering as necessary.

ROBERT E. DVORSKY

## S-3198

1 Amend Senate File 170 as follows:

2 1. Page 2, by inserting after line 18 the  
3 following:

4 "Sec. \_\_\_\_ Section 92.20, Code 2001, is amended to  
5 read as follows:

6 92.20 PENALTY VIOLATIONS AND PENALTIES.

7 1. VIOLATIONS. ~~The parent, guardian, or person in~~  
8 ~~charge of any migratory worker or of any child who~~  
9 ~~shall engage in any street occupation in violation of~~  
10 ~~any of the provisions of this chapter shall be guilty~~  
11 ~~of a simple misdemeanor.~~

12 ~~Any person who furnishes or sells to any minor~~  
13 ~~child any article of any description when the person~~  
14 ~~knows or should have known that said minor intends to~~  
15 ~~sell in violation of the provisions of this chapter,~~  
16 ~~shall be guilty of a simple misdemeanor.~~

17 ~~Any other violation of this chapter for which a~~  
18 ~~penalty is not specifically provided, shall be guilty~~  
19 ~~of a simple misdemeanor. Every day during which~~  
20 ~~any violation of this chapter continues shall~~  
21 ~~constitute a separate and distinct offense, and the~~  
22 ~~employment of any person in violation of this chapter~~  
23 ~~shall, with respect to each person so employed,~~  
24 ~~constitute a separate and distinct offense.~~

25 2. CIVIL PENALTY. ~~The labor commissioner may~~

26 assess a civil penalty of up to ten thousand dollars  
 27 for any willful or serious violation of this chapter.  
 28 For other violations of this chapter, the commissioner  
 29 may also assess a civil penalty of up to ten thousand  
 30 dollars, but only after the commissioner issues a  
 31 written warning notifying a person of a violation of  
 32 this chapter and the violator commits a subsequent  
 33 similar violation.  
 34 The commissioner shall notify a violator of the  
 35 proposed assessment of a civil penalty or issue a  
 36 written warning by certified mail or in the same  
 37 manner as service of original notice. If the violator  
 38 does not contest the assessment of the civil penalty  
 39 in a timely manner pursuant to chapter 17A, the  
 40 proposed assessment of the civil penalty shall become  
 41 a final order not subject to review by any court or  
 42 agency. The commissioner shall notify the department  
 43 of revenue and finance of the assessment of a civil  
 44 penalty upon issuance of a final order.  
 45 The commissioner may file a petition for  
 46 enforcement with the district court. In such a case,  
 47 the clerk of court, unless otherwise ordered by the  
 48 court, shall immediately enter a decree enforcing the  
 49 penalty and shall transmit a copy of the decree to the  
 50 commissioner and to the violator. All civil penalties

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- 1 collected pursuant to this section shall be deposited
- 2 in the general fund of the state."
- 3 2. Title page, line 1, by striking the word
- 4 "training".
- 5 3. By renumbering as necessary.

DICK L. DEARDEN

### S-3199

- 1 Amend Senate File 259 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 910.7A, Code 2001, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 3. The court shall not discharge
- 7 a defendant's obligation to pay pecuniary damages to a
- 8 victim under an order for restitution, unless one of
- 9 the following occurs:
- 10 (a) The victim or the victim's estate has
- 11 consented in writing to the discharge.
- 12 (b) The court determines, after a hearing, that
- 13 the defendant's obligation should be discharged.
- 14 Notice of the hearing shall be given to the victim or

15 the victim's estate, the defendant, and the county  
 16 attorney. The victim shall be given an opportunity to  
 17 be heard at the hearing."

18 2. Title page, line 1, by striking the words "the  
 19 victim rights" and inserting the following: "crime  
 20 victim".

21 3. Title page, line 1, by striking the word  
 22 "fund".

23 4. By renumbering as necessary.

STEVE KING

### S-3200

1 Amend Senate File 84 as follows:

2 1. Page 1, by striking lines 17 through 23 and  
 3 inserting the following: "~~commissioner pursuant to~~  
 4 ~~chapter 17A. This section also does not prohibit a~~  
 5 person engaged in the business of selling purple  
 6 loosestrife at wholesale as of January 1, 2001, from  
 7 selling, offering for sale, or distributing purple  
 8 loosestrife (*lythrum virgatum*) to retailers located  
 9 outside of this state. A person engaged in the  
 10 business of selling purple loosestrife to out-of-state  
 11 retailers shall keep accurate records, as specified by  
 12 the department of agriculture and land stewardship, of  
 13 each variety of purple loosestrife sold, offered for  
 14 sale, or distributed. The person shall allow the  
 15 department of agriculture and land stewardship to  
 16 inspect the records during regular business hours.  
 17 Any person violating".

18 2. Title page, line 2, by inserting after the  
 19 word "loosestrife" the following: "except to out-of-  
 20 state retailers".

SANDRA GREINER

### S-3201

1 Amend Senate File 341 as follows:

2 1. By striking page 1, line 1, through page 2,  
 3 line 10.

4 2. Title page, line 2, by striking the words  
 5 "salvage theft examination fees and".

6 3. By renumbering, redesignating, and correcting  
 7 internal references as necessary.

MATT McCOY  
 JOANN JOHNSON  
 STEVEN D. HANSEN  
 MAGGIE TINSMAN  
 MIKE SEXTON

**S-3202**

- 1 Amend Senate File 432 as follows:  
2 1. Page 1, by striking lines 11 and 12 and  
3 inserting the following:  
4 "Sec. \_\_\_\_ Section 321.446, subsections 1 and 2,  
5 Code 2001, are amended to read as follows:  
6 1. A child under ~~three~~ six years of age who is  
7 being transported in a motor vehicle subject to  
8 registration, except a school bus or motorcycle, shall  
9 be secured during transit by a child restraint system  
10 which meets federal motor vehicle safety standards,  
11 and the system shall be used in accordance with the  
12 manufacturer's instructions."  
13 2. Page 1, line 13, by striking the word "three"  
14 and inserting the following: "~~three~~ six".  
15 3. By renumbering as necessary.

EUGENE S. FRAISE  
ROBERT E. DVORSKY

**S-3203**

- 1 Amend Senate File 342 as follows:  
2 1. Page 1, by inserting after line 7, the  
3 following:  
4 "Sec. \_\_\_\_ Section 321.190, subsection 1,  
5 paragraph a, Code 2001, is amended to read as follows:  
6 a. The department shall, upon application and  
7 payment of ~~the required a fee if required~~, issue to an  
8 applicant a nonoperator's identification card. To be  
9 valid the card shall bear a distinguishing number  
10 assigned to the card holder, the full name, date of  
11 birth, sex, residence address, a physical description  
12 and a colored photograph of the card holder, the usual  
13 signature of the card holder, and such other  
14 information as the department may require by rule.  
15 The card shall be issued to the applicant at the time  
16 of application pursuant to procedures established by  
17 rule.  
18 Sec. \_\_\_\_ Section 321.190, subsection 1, paragraph  
19 d, unnumbered paragraph 1, Code 2001, is amended to  
20 read as follows:  
21 The fee for a nonoperator's identification card  
22 shall be five dollars and the card shall be valid for  
23 a period of four years from the date of issuance. No  
24 issuance fee shall be charged for a person whose  
25 driver's license or driving privilege has been  
26 suspended under section 321.210, subsection 1,  
27 paragraph "c". The fee shall only be charged to those  
28 applicants under eighteen years of age. The general

29 assembly shall annually appropriate an amount  
 30 necessary to reimburse the department for every  
 31 nonoperator's identification card issued free of  
 32 charge."  
 33 2. Title page, line 2, by inserting after the  
 34 word "voting" the following: "and repealing the fee  
 35 for nonoperator's identification cards".  
 36 3. By renumbering as necessary.

BILL FINK

**S-3204**

1 Amend Senate File 499 as follows:  
 2 1. Page 7, by striking lines 17 through 20 and  
 3 inserting the following: "For violations under  
 4 sections 321.445 and 321.446, the scheduled fine is  
 5 twenty-five dollars."

EUGENE S. FRAISE  
 ROBERT E. DVORSKY

**S-3205**

1 Amend Senate File 337 as follows:  
 2 1. Page 5, line 4, by striking the word "A", and  
 3 inserting the following: "1. A".  
 4 2. Page 5, line 13, by striking the figure "1.",  
 5 and inserting the following: "a."  
 6 3. Page 5, line 16, by striking the figure "2.",  
 7 and inserting the following: "b."  
 8 4. Page 5, line 20, by striking the figure "3.",  
 9 and inserting the following: "c."  
 10 5. Page 5, by inserting after line 21 the  
 11 following:  
 12 "2. If the structured settlement agreement or  
 13 transfer agreement includes a provision requiring the  
 14 terms of the structured settlement agreement or  
 15 transfer agreement to remain confidential, the court  
 16 or responsible administrative authority shall conduct  
 17 in camera proceedings relating to the approval of the  
 18 transfer agreement and shall not include any financial  
 19 terms from the structured settlement agreement or the  
 20 transfer agreement in the order required under  
 21 subsection 1."  
 22 6. Page 7, by inserting after line 11 the  
 23 following:  
 24 "3. If a structured settlement agreement or  
 25 transfer agreement includes a provision requiring the  
 26 terms of the structured settlement agreement or  
 27 transfer agreement to remain confidential, the

28 financial terms of the structured settlement agreement  
29 and the transfer agreement shall be made available to  
30 the court or responsible administrative authority for  
31 purposes of any in camera proceedings, but shall not  
32 be disclosed in the copies of the transfer agreement  
33 and disclosure statement filed as a part of the public  
34 record."

DONALD B. REDFERN

### S-3206

1 Amend Senate File 468 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 257.31, subsection 5, Code  
5 2001, is amended by adding the following new  
6 paragraph:  
7 NEW PARAGRAPH. m. Unusual costs associated with  
8 increased utility expenses over the level of utility  
9 expenses incurred during the school year beginning  
10 July 1, 1999.  
11 Sec. 2. Section 257.31, subsection 5, paragraph m,  
12 is amended by striking the paragraph.  
13 Sec. 3. RETROACTIVE APPLICABILITY. Section 1 of  
14 this Act is retroactively applicable to July 1, 2000,  
15 for the purpose of establishing a modified allowable  
16 growth for the school year beginning July 1, 2000, and  
17 is applicable for the school years beginning July 1,  
18 2001, and July 1, 2002.  
19 Sec. 4. EFFECTIVE DATES. Section 1 of this Act,  
20 being deemed of immediate importance, takes effect  
21 upon enactment. Section 2 of this Act takes effect  
22 June 30, 2003."  
23 2. Title page, by striking lines 1 and 2 and  
24 inserting the following: "An Act providing for a  
25 modified allowable growth for school districts facing  
26 increased utility costs, and providing retroactive  
27 applicability and effective".

MIKE CONNOLLY

### S-3207

1 Amend Senate File 447 as follows:  
2 1. Page 1, by inserting after line 23, the  
3 following:  
4 "A person who has been issued an intermediate  
5 license and whose intermediate license is suspended,  
6 revoked, or barred under this chapter or chapter 321J  
7 may be issued a temporary restricted license for

8 travel to and from work upon application to the  
 9 department, under conditions provided by the  
 10 department. However, notwithstanding any provision of  
 11 this section or this chapter to the contrary, a person  
 12 issued such a temporary restricted license who is  
 13 convicted of a moving traffic violation or is involved  
 14 in a contributive accident that occurred while the  
 15 person was operating a motor vehicle pursuant to the  
 16 temporary restricted license shall not be issued a  
 17 full driver's license until the person reaches  
 18 nineteen years of age."

JOANN JOHNSON

### S-3208

1 Amend Senate File 170 as follows:  
 2 1. Page 2, by inserting after line 18 the  
 3 following:  
 4 "Sec.     . NEW SECTION. 92.24 MINIMUM WAGE  
 5 REQUIREMENTS -- CHILD LABOR.  
 6 The hourly wage stated in the federal minimum wage  
 7 law, pursuant to 29 U.S.C. } 206, shall be increased  
 8 to six dollars and fifteen cents on January 1, 2002,  
 9 for any person under eighteen years of age who is  
 10 employed or permitted to work."  
 11 2. Title page, line 1, by inserting after the  
 12 word "training" the following: "and minimum wage".  
 13 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

### S-3209

1 Amend Senate File 387 as follows:  
 2 1. Page 2, line 13, by striking the word "Four"  
 3 and inserting the following: "Three".  
 4 2. Page 2, line 17, by striking the words "One  
 5 member" and inserting the following: "Two members".

PATRICK J. DELUHERY  
 MIKE SEXTON

### S-3210

1 Amend Senate File 353 as follows:  
 2 1. By striking everything after the enacting  
 3 clause, and inserting the following:  
 4 "Section 1. Section 331.605, subsection 6, Code  
 5 2001, is amended to read as follows:  
 6 6. a. (1) ~~For~~ Except as provided in subparagraph

7 ~~(2), for~~ filing an application for the license to  
 8 marry, ~~thirty-five~~ seventy dollars, which includes  
 9 payment for one certified copy of the original  
 10 certificate of marriage, to be issued following filing  
 11 of the original certificate of marriage, four dollars  
 12 of which shall be retained by the county pursuant to  
 13 subsection 5.

14 (2) For filing an application for the license to  
 15 marry, five dollars, if the applicants submit and the  
 16 county registrar approves the certificate of  
 17 completion of premarital education pursuant to section  
 18 595.3B. The fee includes payment for one certified  
 19 copy of the original certificate of marriage, to be  
 20 issued following filing of the original certificate of  
 21 marriage, which fee shall be retained by the county  
 22 pursuant to subsection 5.

23 b. For issuing an application for an order of the  
 24 district court authorizing the validation of a license  
 25 to marry before the expiration of ~~three~~ thirty days  
 26 from the date of issuance of the license, five  
 27 dollars. The district court shall authorize the early  
 28 validation of a marriage license without the payment  
 29 of any fees imposed in this subsection upon showing  
 30 that the applicant is unable to pay the fees.

31 Sec. 2. **NEW SECTION. 595.3B APPLICATION --**  
 32 **PREMARITAL EDUCATION.**

33 1. An application form for a marriage license  
 34 shall have attached a certificate form to be used by  
 35 the parties to document completion of premarital  
 36 education by the parties. The certificate shall be  
 37 completed by the parties and signed by the person who  
 38 provided the premarital education. The certificate  
 39 shall require provision of all of the following  
 40 information:

41 a. The name of the person providing the premarital  
 42 education and the person's signature verifying  
 43 completion of the premarital education by the parties.

44 b. The number of hours of premarital education  
 45 completed.

46 c. Whether the premarital education was provided  
 47 by personal instruction, videotaped instruction,  
 48 instruction via other electronic media, or a  
 49 combination of these methods.

50 2. Only premarital education provided by the

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1 following persons meet the requirements of provision  
 2 of premarital education under this section:

3 a. A person ordained or designated as a leader of  
 4 a party's religious faith.

5 b. A person licensed to practice psychology

6 pursuant to chapter 154B.

7 c. A person licensed to practice social work  
8 pursuant to chapter 154C.

9 d. A person licensed to practice marital and  
10 family therapy pursuant to chapter 154D.

11 3. If the parties applying for a license to marry  
12 complete the premarital education certificate and the  
13 certificate is approved, the parties shall pay a fee  
14 of only five dollars pursuant to section 331.605,  
15 subsection 6.

16 Sec. 3. Section 595.4, Code 2001, is amended to  
17 read as follows:

18 595.4 AGE AND QUALIFICATION -- VERIFIED  
19 APPLICATION -- WAITING PERIOD -- EXCEPTION.

20 1. Previous to the issuance of any license to  
21 marry, the parties desiring the license shall sign and  
22 file a verified application with the county registrar  
23 which application either may be mailed to the parties  
24 at their request or may be signed by them at the  
25 office of the county registrar in the county in which  
26 the license is to be issued. The application shall  
27 include the social security number of each applicant  
28 and shall set forth at least one affidavit of some  
29 competent and disinterested person stating the facts  
30 as to age and qualification of the parties. Upon the  
31 filing of the application for a license to marry, the  
32 county registrar shall file the application in a  
33 record kept for that purpose and shall take all  
34 necessary steps to ensure the confidentiality of the  
35 social security number of each applicant. All  
36 information included on an application may be provided  
37 as mutually agreed upon by the division of records and  
38 statistics and the child support recovery unit,  
39 including by automated exchange.

40 2. Upon receipt of a verified application, the  
41 county registrar may issue the license ~~which shall not~~  
42 ~~become valid until the expiration of three days after~~  
43 ~~the date of issuance of the license.~~ If the license  
44 has not been issued within six months from the date of  
45 the application, the application is void.

46 3. A license that is issued under subsection 2,  
47 shall become valid as follows:

48 a. If the parties desiring the license have  
49 participated in premarital education and have  
50 documented completion of premarital education in

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1 accordance with section 595.3B, the license shall  
2 become valid upon the date of issuance of the license.

3 b. If the parties desiring the license have not  
4 participated in premarital education and have not

5 documented completion of premarital education in  
 6 accordance with section 595.3B, the license shall not  
 7 become valid until the expiration of thirty days after  
 8 the date of issuance of the license.

9 4. A license to marry may be validated prior to  
 10 the expiration of ~~three~~ thirty days from the date of  
 11 issuance of the license in cases of emergency or  
 12 extraordinary circumstances. An order authorizing the  
 13 validation of a license may be granted by a judge of  
 14 the district court under conditions of emergency or  
 15 extraordinary circumstances upon application of the  
 16 parties filed with the county registrar. No order may  
 17 be granted unless the parties have filed an  
 18 application for a marriage license in a county within  
 19 the judicial district. An application for an order  
 20 shall be made on forms furnished by the county  
 21 registrar at the same time the application for the  
 22 license to marry is made. After examining the  
 23 application for the marriage license and issuing the  
 24 license, the county registrar shall refer the parties  
 25 to a judge of the district court for action on the  
 26 application for an order authorizing the validation of  
 27 a marriage license prior to expiration of ~~three~~ thirty  
 28 days from the date of issuance of the license. The  
 29 judge shall, if satisfied as to the existence of an  
 30 emergency or extraordinary circumstances, grant an  
 31 order authorizing the validation of a license to marry  
 32 prior to the expiration of ~~three~~ thirty days from the  
 33 date of issuance of the license to marry. The county  
 34 registrar shall validate a license to marry upon  
 35 presentation by the parties of the order authorizing a  
 36 license to be validated. A fee of five dollars shall  
 37 be paid to the county registrar at the time the  
 38 application for the order is made, which fee is in  
 39 addition to the fee prescribed by law for the issuance  
 40 of a marriage license."

41 2. Title page, line 1, by striking the words  
 42 "establishing covenant" and inserting the following:  
 43 "relating to".

44 3. Title page, lines 1 and 2, by striking the  
 45 words "and providing an effective date".

STEVEN D. HANSEN

### S-3211

1 Amend Senate File 374 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting the following:

4 "Section 1. Section 154.1, unnumbered paragraph 3,  
 5 Code 2001, is amended to read as follows:

6 Therapeutically certified optometrists may employ

7 the following pharmaceuticals: topical pharmaceutical  
8 agents, oral antimicrobial agents, oral  
9 antihistamines, oral antiglaucoma agents, and oral  
10 analgesic agents, ~~and notwithstanding,~~  
11 Therapeutically certified optometrists may administer  
12 benedryl, epinephrine, or other medication through  
13 injection as appropriate to counteract anaphylaxis or  
14 anaphylactic reactions upon demonstration by the  
15 therapeutically certified optometrist to the board of  
16 optometry examiners of satisfactory didactic and  
17 clinical training for such administration consistent  
18 with rules established by the board. Therapeutically  
19 certified optometrists may employ diagnostic and  
20 therapeutic pharmaceutical agents not specified in  
21 this paragraph when authorized by rule of the board of  
22 optometry examiners adopted following consultation  
23 with and agreement of the board of medical examiners  
24 and the board of pharmacy examiners, which rules shall  
25 also specify additional didactic and clinical  
26 training, if any, which the therapeutically certified  
27 optometrist must demonstrate to the board prior to use  
28 of the newly specified pharmaceutical agent or agents.  
29 Notwithstanding section 147.107, a therapeutically  
30 certified optometrist may without charge supply any of  
31 the above listed pharmaceuticals to commence a course  
32 of therapy. Superficial foreign bodies may be removed  
33 from the human eye and adnexa. ~~These therapeutic~~  
34 ~~efforts~~ The pharmaceutical agents authorized for use  
35 under this paragraph are intended for the purpose of  
36 examination, diagnosis, and treatment of visual  
37 defects, abnormal conditions and diseases of the human  
38 eye and adnexa, for proper optometric practice or  
39 referral for consultation or treatment to persons  
40 licensed under chapter 148 or 150A. A therapeutically  
41 certified optometrist is an optometrist who is  
42 licensed to practice optometry in this state and who  
43 is certified by the board of optometry examiners to  
44 use the agents and procedures ~~listed in~~ authorized  
45 pursuant to this paragraph. A therapeutically  
46 certified optometrist shall be provided with a  
47 distinctive certificate by the board which shall be  
48 displayed for viewing by the patients of the  
49 optometrist."

JOHN REDWINE  
ROBERT E. DVORSKY

### S-3212

- 1 Amend Senate File 375 as follows:
- 2 1. Page 3, line 23, by inserting after the word
- 3 "facility," the following: "yard sign, campaign

- 4 sign".
- 5 2. Page 3, lines 25 and 26, by striking the words  
6 "; however, the identification need not be conspicuous  
7 on posters".
- 8 3. Page 3, line 27, by striking the words "yard  
9 signs".
- 10 4. Page 5, by striking lines 22 through 26 and  
11 inserting the following:
- 12 "2. All yard or other campaign signs shall bear  
13 the attribution statement required by section 56.14,  
14 regardless of the size or location of the sign."
- 15 5. Page 5, by inserting after line 31 the  
16 following:
- 17 "Sec. \_\_\_\_ Section 56.15, subsection 4, unnumbered  
18 paragraph 2, Code 2001, is amended by striking the  
19 paragraph."
- 20 6. By renumbering or correcting internal  
21 references as necessary.

MIKE SEXTON  
JOHN P. KIBBIE  
JOE BOLKCOM  
ANDY McKEAN

### S-3213

- 1 Amend Senate File 375 as follows:
- 2 1. Page 5, by striking lines 10 and 11 and  
3 inserting the following:
- 4 "\_\_\_\_. Yard signs shall only be placed upon  
5 residential property with the permission of the  
6 occupant of the property.
- 7 \_\_\_\_\_. Notwithstanding the previous subsection, this  
8 subsection does not prohibit placement of yard signs  
9 on any of the following property:"
- 10 2. Page 5, line 14, by inserting after the word  
11 and figure "and 10" the following: ", if the prior  
12 permission of the occupant of the property is  
13 obtained".
- 14 3. By renumbering as necessary.

SHELDON RITTNER  
JOHN P. KIBBIE  
ANDY McKEAN  
JOE BOLKCOM  
MIKE SEXTON

### S-3214

- 1 Amend Senate File 351 as follows:
- 2 1. Page 3, by striking lines 12 through 16, and

3 inserting the following: "misdemeanor for a first  
 4 offense and a class "D" felony for a second or  
 5 subsequent offense. For purposes of this subsection,  
 6 an offense is considered a second or subsequent  
 7 offense if, prior to the person's having been  
 8 convicted under this subsection, any of the following  
 9 apply:

10 a. The person has a prior conviction or deferred  
 11 judgment under this subsection.

12 b. The person has a prior conviction, deferred  
 13 judgment, or the equivalent of a deferred judgment in  
 14 another jurisdiction for an offense substantially  
 15 similar to the offense defined in this subsection.  
 16 The court shall judicially notice the statutes of  
 17 other states that define offenses substantially  
 18 similar to the offense defined in this subsection and  
 19 that therefore can be considered corresponding  
 20 statutes."

O. GENE MADDOX

### S-3215

1 Amend Senate File 323 as follows:

2 1. Page 1, by striking lines 27 through 29 and  
 3 inserting the following: "section 412.2. Funds shall  
 4 be invested in accordance with the investment policy  
 5 for the retirement fund, as established by the  
 6 governing body of the public utility. In establishing  
 7 the investment policy, the governing body shall be  
 8 governed by the standards stated in section 97B.7,  
 9 subsection 2, paragraph "b", except that the public  
 10 utility shall only invest in diversified commingled  
 11 investment funds holding publicly traded securities.  
 12 Funds".

RICHARD F. DRAKE

### S-3216

1 Amend Senate File 499 as follows:

2 1. Page 4, line 31, by inserting after the figure  
 3 "321.327," the following: "321.329,".  
 4 2. Page 4, by striking lines 33 and 34.  
 5 3. By renumbering as necessary.

O. GENE MADDOX

**S-3217**

1 Amend the amendment S-3155 to Senate File 349 as  
2 follows:  
3 1. Page 1, line 7, by striking the words "and the  
4 secretary of the senate" and inserting the following:  
5 "the secretary of the senate, and any other person or  
6 body".  
7 2. Page 1, lines 20 and 21, by striking the words  
8 "or the secretary of the senate" and inserting the  
9 following: "the secretary of the senate, or any other  
10 person or body".

STEVE KING

**S-3218**

1 Amend Senate File 452 as follows:  
2 1. Page 2, line 7, by inserting after the word  
3 "number" the following: "or the international  
4 identification number".

JOANN JOHNSON

**S-3219**

1 Amend Senate File 452 as follows:  
2 1. Page 2, by striking lines 5 and 6, and  
3 inserting the following: "information provided on the  
4 front side of the information card or other  
5 technology, if applicable to the type of technology,  
6 shall include, at a minimum, all of the following:"  
7 2. Page 2, by inserting after line 14, the  
8 following:  
9 "b. The information card or other technology shall  
10 specifically identify and display the name and address  
11 of the pharmacy benefits manager, if different than  
12 the provider, on the back side of the information card  
13 or other technology, if applicable to the type of  
14 technology."  
15 3. By renumbering as necessary.

JOANN JOHNSON

**S-3220**

1 Amend Senate File 452 as follows:  
2 1. Page 2, line 7, by striking the word  
3 "business" and inserting the following:  
4 "international".

JOANN JOHNSON

**S-3221**

1 Amend House File 324, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 6, by striking lines 10 through 24.  
 4 2. Page 7, line 12, by striking the figure "2002"  
 5 and inserting the following: "2001".  
 6 3. Page 7, by inserting before line 23 the  
 7 following:  
 8 "Sec. 101. DISPLACEMENT OF EMPLOYEES -- OTHER  
 9 EMPLOYMENT -- RECALL. If a city or county employee is  
 10 displaced from employment as a result of a city's or  
 11 county's compliance with the provisions of this  
 12 division of this Act, which enact section 314.1,  
 13 subsection 2, and amend section 314.1, unnumbered  
 14 paragraph 2, and redesignate that unnumbered paragraph  
 15 as section 314.1, subsection 3, the city or county  
 16 shall offer the displaced employee other available  
 17 employment with the city or county, as applicable. A  
 18 city or county employee who is placed in such other  
 19 employment or who elected to be laid off shall be  
 20 eligible for recall to the position held by the  
 21 employee at the time of displacement. This provision  
 22 shall not supercede the provisions of any applicable  
 23 collective bargaining agreement."  
 24 4. Page 7, by inserting after line 30 the  
 25 following:  
 26 "\_\_\_\_. Section 101 of this Act relating to the  
 27 displacement of employees."  
 28 5. By renumbering, redesignating, and correcting  
 29 internal references as necessary.

COMMITTEE ON TRANSPORTATION  
 SHELDON RITTMER, Chair

**S-3222**

1 Amend Senate File 425 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 16.1, subsection 39, Code  
 5 2001, is amended to read as follows:  
 6 39. "Title guaranty policy" means a guaranty  
 7 policy against loss or damage caused by defective  
 8 title to real property.  
 9 Sec. \_\_\_\_ Section 16.2, subsection 1, unnumbered  
 10 paragraph 2, Code 2001, is amended to read as follows:  
 11 A title guaranty division is created within the  
 12 authority. The powers of the division relating to the  
 13 issuance of title ~~guaranties~~ guaranty policies are  
 14 vested in and shall be exercised by a division board

15 of five members appointed by the governor subject to  
 16 confirmation by the senate. The membership of the  
 17 board shall include an attorney, an abstractor, a real  
 18 estate broker, a representative of a mortgage-lender,  
 19 and a representative of the housing development  
 20 industry. The executive director of the authority  
 21 shall appoint an attorney as director of the title  
 22 guaranty division who shall serve as an ex officio  
 23 member of the board. The appointment of and  
 24 compensation for the division director are exempt from  
 25 the merit system provisions of chapter 19A.

26 Sec. \_\_\_\_ Section 16.3, subsection 15, Code 2001,  
 27 is amended to read as follows:

28 15. The abstract-attorney's title opinion system  
 29 promotes land title stability for determining the  
 30 marketability of land titles and is a public purpose.  
 31 A public purpose will be served by providing, as an  
 32 adjunct to the abstract-attorney's title opinion  
 33 system, a low cost mechanism to provide for additional  
 34 guaranties ~~guaranty policies~~ will facilitate mortgage  
 35 lenders' participation in the secondary market and add  
 36 to the integrity of the land-title transfer system in  
 37 the state.

38 Sec. \_\_\_\_ Section 16.5, subsection 15, Code 2001,  
 39 is amended as follows:

40 15. Through the title guaranty division, make and  
 41 issue title ~~guaranties~~ ~~guaranty policies~~ on Iowa real  
 42 property in a form acceptable to the secondary market,  
 43 to fix and collect the charges for the ~~guaranties~~  
 44 ~~guaranty policies~~ and to procure reinsurance against  
 45 any loss in connection with the ~~guaranties~~ ~~guaranty~~  
 46 ~~policies.~~"

47 2. Page 1, line 1, by inserting after the word  
 48 "subsections" the following: "1, 2, 3,".

49 3. Page 1, by inserting after line 2 the  
 50

Page 2

1 following:  
 2 "1. The authority through the title guaranty  
 3 division shall initiate and operate a program in which  
 4 the division shall offer ~~guaranties~~ ~~title guaranty~~  
 5 ~~policies~~ of real property titles in this state. The  
 6 terms, ~~and~~ conditions ~~and form~~ of the title guaranty  
 7 ~~contract policy~~ shall be forms approved by the  
 8 division board. ~~The division, as it may determine,~~  
 9 ~~may use the policy, endorsement, and other forms~~  
 10 ~~adopted for the title insurance industry by the~~  
 11 ~~American land title association and may obtain ratings~~  
 12 ~~of the division similar to ratings given to title~~  
 13 ~~insurance companies.~~ The division shall fix a charge

14 for the guaranty in an amount sufficient to permit the  
 15 program to operate on a self-sustaining basis,  
 16 including payment of administrative costs and the  
 17 maintenance of an adequate reserve against claims  
 18 under the title guaranty program. A title guaranty  
 19 policy fund is created in the office of the treasurer  
 20 of state. Funds collected under this program shall be  
 21 placed in the title guaranty policy fund and are  
 22 available to pay all claims, necessary reserves, and  
 23 all administrative costs of the title guaranty  
 24 program. Moneys in the fund shall not revert to the  
 25 general fund and interest on the moneys in the fund  
 26 shall be transferred to the department of economic  
 27 development for deposit in the local housing  
 28 assistance program fund established in section 15.354  
 29 and shall not accrue to the general fund. If the  
 30 authority board in consultation with the division  
 31 board determines that there are surplus funds in the  
 32 title guaranty policy fund after providing for  
 33 adequate reserves and operating expenses of the  
 34 division, the surplus funds shall be transferred to  
 35 the housing program fund created pursuant to section  
 36 16.40.

37 2. A title guaranty policy, closing protection  
 38 letter, or gap coverage issued under this program is  
 39 an obligation of the division only and claims are  
 40 payable solely and only out of the moneys, assets, and  
 41 revenues of the title guaranty policy fund and are not  
 42 an indebtedness or liability of the state. The state  
 43 is not liable on any title guaranty policy, closing  
 44 protection letter, or gap coverage.

45 3. With the approval of the authority board the  
 46 division and its board shall consult with the  
 47 insurance division of the department of commerce in  
 48 developing a title guaranty contract policy acceptable  
 49 to the secondary market and developing any other  
 50 feature of the program with which the insurance

Page 3

1 division may have special expertise. The insurance  
 2 division shall establish the amount for a loss reserve  
 3 fund. Except as provided in this subsection, the  
 4 title guaranty program is not subject to the  
 5 jurisdiction of or regulation by the insurance  
 6 division or the commissioner of insurance."

7 4. Page 1, line 9, by inserting after the word  
 8 "authority," the following: "A participating attorney  
 9 shall be licensed to practice in this state."

10 5. Page 2, line 2, by striking the word  
 11 "guaranties" and inserting the following: "guaranties  
 12 guaranty policies".

- 13 6. Page 2, by striking lines 9 and 10 and  
14 inserting the following: "rules issued by the  
15 authority."
- 16 7. Page 2, line 11, by inserting after the word  
17 "guaranty" the following: "policy".
- 18 8. Page 2, by striking lines 20 through 23 and  
19 inserting the following: "board. If an owner is  
20 refinancing a loan secured by a mortgage, the division  
21 may establish standards for title searches and  
22 underwriting procedures and requirements for the  
23 issuance of a title guaranty policy if a title  
24 guaranty policy was previously issued on the property  
25 for the same owner within a period of five years."
- 26 9. Page 2, line 25, by striking the word "shall"  
27 and inserting the following: "shall may".
- 28 10. Page 2, line 26, by striking the word  
29 "certificate" and inserting the following:  
30 "certificate policy".
- 31 11. Page 3, by inserting after line 11 the  
32 following:  
33 "Sec. \_\_\_\_ Section 16.93, subsections 1, 2, and 3,  
34 Code 2001, are amended to read as follows:  
35 1. The authority through the title guaranty  
36 division may issue a closing protection letter to a  
37 person to whom a proposed title guaranty policy is to  
38 be issued, upon the request of the person, if the  
39 division issues a commitment for a title guaranty or  
40 title guaranty certificate policy. The closing  
41 protection letter shall conform to the terms of  
42 coverage and form of the instrument as approved by the  
43 division board and may indemnify a person to whom a  
44 proposed title guaranty policy is to be issued against  
45 loss of settlement funds due to only the following  
46 acts of the division's named participating attorney or  
47 participating abstractor:  
48 a. Theft of settlement funds.  
49 b. Failure by the participating attorney or  
50 participating abstractor to comply with written

Page 4

- 1 closing instructions of the person to whom a proposed  
2 title guaranty policy is to be issued relating to  
3 title certificate coverage when agreed to by the  
4 participating attorney or participating abstractor.
- 5 2. A closing protection letter shall only be  
6 issued to a person to whom a proposed title guaranty  
7 policy is to be issued for real property transactions  
8 in which the division has committed to issue an owner  
9 or lender certificate and for which the division  
10 receives a premium and other payments or fees for a  
11 title guaranty certificate policy or other coverage.

12 3. The division board shall establish the amount  
 13 of coverage to be provided and may distinguish between  
 14 classes of property including, but not limited to,  
 15 residential, agricultural, or commercial, provided  
 16 that the total amount of coverage provided by the  
 17 closing protection letter shall not exceed the amount  
 18 of the commitment or title guaranty policy to be  
 19 issued. Liability under the closing protection letter  
 20 shall be coextensive with liability under the  
 21 certificate to be issued in connection with a  
 22 transaction such that payments under the terms of the  
 23 closing protection letter shall reduce by the same  
 24 amount the liability under the title guaranty  
 25 ~~certificate~~ policy and payment under the title  
 26 guaranty ~~certificate~~ policy shall reduce the liability  
 27 under the terms of the closing protection letter.  
 28 Sec. \_\_\_\_ Section 535.8, subsection 2, paragraph  
 29 b, subparagraph (10), Code 2001, is amended to read as  
 30 follows:  
 31 (10) The cost of a title guaranty policy issued by  
 32 the Iowa finance authority pursuant to chapter 16."  
 33 12. By renumbering as necessary.

JOHN W. JENSEN

**S-3223**

1 Amend Senate File 336 as follows:  
 2 1. Page 1, line 15, by inserting after the word  
 3 "the" the following: "second or subsequent".

MIKE CONNOLLY

**S-3224**

1 Amend the amendment, S-3222, to Senate File 425 as  
 2 follows:  
 3 1. Page 3, by striking lines 13 through 15 and  
 4 inserting the following:  
 5 "\_\_\_\_. Page 2, by striking lines 3 through 10."

JOHN W. JENSEN

**S-3225**

1 Amend the amendment, S-3175, to Senate File 289 as  
 2 follows:  
 3 1. Page 1, by inserting after line 1 the  
 4 following:  
 5 "\_\_\_\_. Page 1, line 1, by striking the figure  
 6 "101B.1", and inserting the following: "100.46"."

- 7 2. Page 1, by inserting after line 3 the  
 8 following:  
 9 "\_\_\_\_. Page 1, by striking line 7."  
 10 3. By striking page 1, line 5, and inserting the  
 11 following:  
 12 "\_\_\_\_. Page 1, line 17, by striking the word and  
 13 figure "3. This chapter" and inserting "2. This  
 14 section"."  
 15 4. Page 1, by inserting after line 5 the  
 16 following:  
 17 "\_\_\_\_. Page 1, by striking lines 20 and 21 and  
 18 inserting the following:  
 19 "3. A person violating a provision of this section  
 20 commits a"."

MERLIN E. BARTZ

**S-3226**

- 1 Amend Senate File 375 as follows:  
 2 1. Page 1, by inserting after line 2 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 56.6, subsection 1, paragraph  
 5 c, Code 2001, is amended by striking the paragraph and  
 6 inserting in lieu thereof the following:  
 7 c. A candidate's committee for a candidate in a  
 8 special election shall file a report as follows:  
 9 (1) A candidate's committee for a candidate for  
 10 the general assembly shall file a report by the  
 11 fourteenth day prior to the special election that is  
 12 current through the nineteenth day prior to the  
 13 special election. The committee shall also file a  
 14 supplemental report if the committee meets the  
 15 criteria under paragraph "b".  
 16 (2) A candidate's committee for a candidate for  
 17 county elective office shall file a report by the  
 18 Friday immediately preceding the special election that  
 19 is current through the Tuesday prior to the special  
 20 election."  
 21 2. By renumbering as necessary.

PATRICK J. DELUHERY

**S-3227**

- 1 Amend Senate File 463 as follows:  
 2 1. By striking page 1, line 28, through page 2,  
 3 line 6.

- 4 2. Page 3, by striking lines 11 through 25.  
5 3. Page 4, by striking lines 14 through 26.

PATRICK J. DELUHERY  
MIKE SEXTON

**S-3228**

- 1 Amend Senate File 410 as follows:  
2 1. Page 1, line 5, by inserting after the word  
3 "atmosphere" the following: "and is not located  
4 within an animal feeding operation as defined in  
5 section 455B.161, subsection 4".  
6 2. Page 2, by inserting after line 7 the  
7 following:  
8 "e. (1) Notwithstanding paragraph "a" and section  
9 455B.135, the department may do both of the following:  
10 (a) Establish a permit by rule procedure that  
11 allows a facility to establish emission limits for  
12 indoor sources.  
13 (b) Issue construction permits for indoor sources  
14 if requested by a facility.  
15 (2) This paragraph "e" shall not be construed to  
16 grant the department any authority to require a  
17 construction permit for indoor sources."

MIKE SEXTON

**S-3229**

- 1 Amend Senate File 323 as follows:  
2 1. Page 1, by striking lines 27 through 29 and  
3 inserting the following: "section 412.2. Funds shall  
4 be invested in accordance with the investment policy  
5 for the retirement fund, as established by the  
6 governing body of the public utility. In establishing  
7 the investment policy, the council, board or  
8 commission shall be governed by the standards set  
9 forth in section 97B.7, subsection 2, paragraph "b".  
10 However, permissible investments shall be limited to  
11 those investments authorized in section 12B.10,  
12 subsection 5, and investments in diversified  
13 commingled investment funds holding only publicly  
14 traded securities and under the management of an  
15 investment advisor registered with the federal  
16 securities and exchange commission under the  
17 Investment Advisor Act of 1940. Funds".

RICHARD F. DRAKE

**S-3230**

1 Amend Senate File 478 as follows:  
 2 1. Page 15, line 9, by inserting after the word  
 3 "fee." the following: "In the event that a counter-  
 4 claim is filed by a defendant, the action for money  
 5 damages shall be scheduled for hearing separate from  
 6 the forcible entry and detention action. In the event  
 7 that a defendant defaults or fails to appear in a  
 8 merged action pursuant to this section, the court  
 9 shall not enter a judgment on the action for money  
 10 damages until twenty days after service of process."

ANDY McKEAN  
 THOMAS FIEGEN

**S-3231**

1 Amend Senate File 446 as follows:  
 2 1. Page 1, lines 4 and 5, by striking the words  
 3 "lighting equipment" and inserting the following:  
 4 "head lamps, rear lamps, signal lamps, signal devices,  
 5 or directional signal devices".

MARK ZIEMAN

**S-3232**

1 Amend Senate File 84 as follows:  
 2 1. Page 1, lines 7 and 8, by striking the words  
 3 "purple loosestrife (lythrum virgatum)".  
 4 2. Page 1, line 9, by inserting after the word  
 5 "state." the following: "A person shall not sell or  
 6 offer for sale purple loosestrife (lythrum virgatum)  
 7 or seeds of the plant in any form in this state."  
 8 3. Page 1, by striking lines line 12 through 23  
 9 and inserting the following: "roses or ornamental  
 10 shrubs in gardens. This section also does not  
 11 prohibit the sale, ~~or~~ offer for sale, ~~or~~ distribution  
 12 of varieties of the purple loosestrife (lythrum  
 13 virgatum) when ~~used for ornamental gardens, and which~~  
 14 ~~are sterile or nonaggressive according to a list~~  
 15 ~~published by the state weed commissioner pursuant to~~  
 16 ~~chapter 17A sold or offered for sale to retailers~~  
 17 outside of this state if the seller was engaged in  
 18 that wholesale business as of January 1, 2001. A  
 19 person engaged in the business of selling purple  
 20 loosestrife to out-of-state retailers shall keep  
 21 accurate records, as specified by the department of  
 22 agriculture and land stewardship, of each variety of  
 23 purple loosestrife sold, ~~or~~ offered for sale, ~~or~~

24 ~~distributed~~. The person shall allow the department of  
 25 agriculture and land stewardship to inspect the  
 26 records during regular business hours. Any person  
 27 violating".

28 4. Title page, by striking lines 1 and 2 and  
 29 inserting the following: "An Act prohibiting the sale  
 30 or offer for sale of purple looestrife except to out-  
 31 of-state retailers and subjecting violators to an  
 32 existing penalty."

SANDRA GREINER

**S-3233**

1 Amend Senate File 456 as follows:

2 1. Page 3, line 23, by inserting after the word  
 3 "crop" the following: "; or storing, planting, or  
 4 nurturing the crop's seed".

5 2. Page 3, line 34, by inserting after the words  
 6 "a crop" the following: ", including the crop's  
 7 seed,".

8 3. Page 4, line 20, by inserting after the word  
 9 "destroy" the following: "or damage".

10 4. Page 4, line 30, by inserting after the word  
 11 "crops." the following: "A person is presumed to  
 12 intend disruption, if the person moves, removes, or  
 13 defaces any sign posted on the crop operation property  
 14 or label used by the owner and the sign or label  
 15 identifies a crop maintained on the crop operation  
 16 property."

17 5. Page 4, line 31, by inserting after the word  
 18 "Destroy" the following: "or damage".

19 6. Page 6, by striking lines 4 through 19 and  
 20 inserting the following: "person is guilty of  
 21 criminal mischief as provided in section 716.1, and  
 22 commits the same class of offense as provided in  
 23 sections 716.3 through 716.6 based on the amount of  
 24 damage to the research crop or crop operation property  
 25 where the research crop is maintained."

26 7. By striking page 6, line 28 through page 7,  
 27 line 6, and inserting the following: "person is  
 28 guilty of criminal mischief as provided in section  
 29 716.1, and commits the same class of offense as  
 30 provided in sections 716.3 through 716.6 based on the  
 31 amount of damage to the crop or crop operation  
 32 property where the crop is maintained."

SANDRA GREINER

**S-3234**

1 Amend Senate File 459 as follows:  
 2 1. Page 1, by striking lines 2 through 5 and  
 3 inserting the following:  
 4 "The commission may charge a negotiated fee, to  
 5 recover a share of the costs related to the research  
 6 and development, initial production, and derivative  
 7 products of its proprietary software and hardware,  
 8 telecommunications architecture design, and  
 9 proprietary technology applications developed to  
 10 support authorized users, to private vendors and to  
 11 other political".  
 12 2. Page 1, by striking lines 16 through 20 and  
 13 inserting the following:  
 14 "NEW PARAGRAPH. n. The performance of an activity  
 15 authorized pursuant to section 8D.11A."  
 16 3. Title page, line 2, by striking the words "and  
 17 revenue".

STEVE KING

**S-3235**

1 Amend Senate File 348 as follows:  
 2 1. Page 7, line 3, by inserting after the word  
 3 "students." the following: "If a pilot charter school  
 4 chooses not to comply with all of the provisions of  
 5 statute or administrative rule, in accordance with  
 6 section 256F.5, subsection 1, the pilot charter school  
 7 shall provide a statement indicating the provisions  
 8 with which the pilot charter school does not comply."  
 9 2. Page 8, line 7, by inserting after the word  
 10 "fulfilled." the following: "The pilot charter school  
 11 shall provide parents and guardians of students  
 12 enrolled in the pilot charter school with a copy of  
 13 the charter school application approved pursuant to  
 14 section 256F.6."

BILL FINK

**S-3236**

1 Amend the amendment, S-3008, to Senate File 84 as  
 2 follows:  
 3 1. Page 1, line 5, by inserting after the word  
 4 "commissioner" the following: "or, in the absence of  
 5 a county weed commissioner, the board of supervisors".  
 6 2. Page 1, line 8, by inserting after the word  
 7 "commissioner's" the following: "or the board's".

SANDRA GREINER

**S-3237**

- 1 Amend Senate File 348 as follows:
- 2 1. Page 2, line 7, by inserting after the word  
3 "The" the following: "state board shall approve not  
4 more than five pilot charter school applications.  
5 The".
- 6 2. Page 3, by striking lines 6 and 7 and  
7 inserting the following: "school. The sponsor shall  
8 provide for an election for".
- 9 3. Page 3, by inserting after line 27 the  
10 following:  
11 "\_\_\_ Notwithstanding subsection 1, a sponsor that  
12 wishes to operate a charter school within the  
13 boundaries of a school district shall apply to that  
14 district's school board for approval. If the school  
15 board denies the application, the decision of the  
16 school board is final and not subject to review by any  
17 court or agency. A school board seeking to sponsor a  
18 charter school within its own boundaries is exempt  
19 from this subsection."
- 20 4. By striking page 3, line 32 through page 4,  
21 line 1 and inserting the following: "not to sponsor a  
22 charter school, the decision of the school board is  
23 final and not subject to review by any court or  
24 agency."
- 25 5. Page 5, line 2, by inserting after the word  
26 "chapters" the following: "256B,".
- 27 6. Page 5, by striking lines 6 through 9 and  
28 inserting the following: "did not operate under a  
29 charter. A pilot charter".
- 30 7. Page 7, lines 9 and 10, by striking the words  
31 "and public transportation".
- 32 8. Page 7, by inserting after line 19 the  
33 following: "o. The means, costs, and plan for  
34 providing transportation for students attending the  
35 pilot charter school."
- 36 9. Page 7, by striking lines 26 through 33 and  
37 inserting the following: "decision in a timely  
38 manner, the failure to notify shall be deemed a  
39 denial, and the decision of the school board to deny  
40 approval is final and not subject to review by any  
41 court or agency."
- 42 10. Page 13, by striking lines 19 through 24 and  
43 inserting the following: "management, approves the  
44 lease."
- 45 11. Page 14, line 16, by inserting before the  
46 word "for" the following: "and any moneys available  
47 to the district for each child attending the pilot  
48 charter school who requires special education, by  
49 application of the special education weighting plan in  
50 section 256B.9,".

Page 2

1 12. Page 15, by striking lines 2 through 5 and  
2 inserting the following: "taxation. Except as  
3 provided in section 256F.5, subsection 1, paragraph  
4 "f", a pilot charter school shall not levy taxes or  
5 issue bonds for any purpose. The operation".

JEFF ANGELO

### S-3238

1 Amend Senate File 465 as follows:  
2 1. Page 1, lines 7 through 9, by striking the  
3 words "moneys received from the sale of EPAct credits  
4 received by the department for the use of biodiesal  
5 fuel".  
6 2. Page 1, line 30, by striking the words and  
7 figures "of 1992 (EPAct), 42 U.S.C. } 13401" and  
8 inserting the following: "(EPAct), 42 U.S.C. }  
9 13201".

MIKE SEXTON

### S-3239

1 Amend Senate File 478 as follows:  
2 1. Page 9, line 24, by inserting after the word  
3 "community." the following: "However, this  
4 restriction shall not prohibit the adoption or  
5 enforcement of an ordinance that requires a minimum of  
6 one shelter to be located in a manufactured home  
7 community or mobile home park."

ANDY McKEAN

### S-3240

1 Amend Senate File 375 as follows:  
2 1. Page 1, by inserting after line 2 the  
3 following:  
4 "Sec. \_\_. Section 56.5A, Code 2001, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 3. a. A candidate's committee  
7 shall not accept contributions from sources other than  
8 individuals who permanently reside within the district  
9 represented by the office to which the candidate  
10 presently seeks election, unless the candidate's  
11 committee has received and deposited in the  
12 candidate's campaign account an equal or greater total  
13 of contributions from individuals who permanently

14 reside within the district.

15 b. Notwithstanding section 56.16, a candidate who  
 16 accepts a contribution in violation of this subsection  
 17 shall be fined civilly in an amount equal to ten times  
 18 the amount by which the contribution exceeded the  
 19 permitted limit. The fine proceeds shall be deposited  
 20 in the Iowa election campaign fund created in section  
 21 56.19."

22 2. By renumbering as necessary.

ANDY McKEAN  
 JOHN P. KIBBIE

### S-3241

1 Amend House File 630, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 2 the  
 4 following:

5 "Sec. \_\_\_\_ Section 56.5A, Code 2001, is amended by  
 6 adding the following new subsection:

7 NEW SUBSECTION. 3. a. A candidate's committee  
 8 shall not accept contributions from sources other than  
 9 individuals who permanently reside within the district  
 10 represented by the office to which the candidate  
 11 presently seeks election, unless the candidate's  
 12 committee has received and deposited in the  
 13 candidate's campaign account an equal or greater total  
 14 of contributions from individuals who permanently  
 15 reside within the district.

16 b. Notwithstanding section 56.16, a candidate who  
 17 accepts a contribution in violation of this subsection  
 18 shall be fined civilly in an amount equal to ten times  
 19 the amount by which the contribution exceeded the  
 20 permitted limit. The fine proceeds shall be deposited  
 21 in the Iowa election campaign fund created in section  
 22 56.19."

23 2. By renumbering as necessary.

ANDY McKEAN  
 JOHN P. KIBBIE

### S-3242

1 Amend Senate File 84 as follows:

2 1. Page 1, line 5, by inserting after the word  
 3 "not" the following: "import".

JOANN JOHNSON  
 MERLIN E. BARTZ  
 DENNIS H. BLACK  
 MARY LOU FREEMAN

**S-3243**

1 Amend Senate File 84 as follows:  
 2 1. Page 1, by striking line 23 and inserting the  
 3 following: "~~records during regular business hours.~~  
 4 However, this section shall not be construed to  
 5 prohibit the distribution of purple loosestrife  
 6 (*lythrum virgatum*) or the seed of the plant as a gift  
 7 between individuals. Any person violating".

SANDRA GREINER

**S-3244**

1 Amend the amendment S-3221 to House File 324, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by inserting before line 3 the  
 5 following:  
 6 "\_\_\_\_. Page 2, line 19, by striking the words  
 7 "improvement, or repair or maintenance" and inserting  
 8 the following: "or improvement".  
 9 \_\_\_\_\_. Page 3, line 3, by striking the words  
 10 "improvement, or repair or maintenance" and inserting  
 11 the following: "or improvement".  
 12 \_\_\_\_\_. By striking page 4, line 35, through page 5,  
 13 line 15, and inserting the following: "reject any or  
 14 all bids, or, ~~The agency may readvertise and relet~~  
 15 the project without conducting an additional public  
 16 hearing if no substantial changes are made to the  
 17 project's plans or specifications. The agency may let  
 18 by private contract or build by day labor, at a cost  
 19 not in excess of the lowest bid received."  
 20 2. Page 1, by inserting after line 3 the  
 21 following:  
 22 "\_\_\_\_. Page 7, line 6, by inserting after the word  
 23 "USE" the following: "-RULES".  
 24 \_\_\_\_\_. Page 7, line 10, by striking the words  
 25 "projects and may" and inserting the following:  
 26 "projects, review alternative protocols for agencies  
 27 when bids on such projects are rejected due to cost,  
 28 and".  
 29 3. Page 1, by inserting after line 5 the  
 30 following:  
 31 "\_\_\_\_. Page 7, by inserting after line 12 the  
 32 following:  
 33 "\_\_\_\_. The rules promulgated by the department  
 34 pursuant to section 314.1A shall be in draft form  
 35 prior to December 31, 2001, and shall specifically  
 36 define the terms "construction", "reconstruction",  
 37 "improvement", and "repair or maintenance" as such

38 terms relate to highway, bridge, and culvert  
39 projects."  
40 \_\_\_\_\_. Page 7, line 14, by striking the word  
41 "purchase" and inserting the following:  
42 "procurement".  
43 \_\_\_\_\_. Page 7, line 18, by striking the word  
44 "purchase" and inserting the following:  
45 "procurement".  
46 \_\_\_\_\_. Page 7, line 21, by striking the word  
47 "purchasing" and inserting the following:  
48 "procurement".  
49 4. By renumbering, redesignating, and correcting  
50 internal references as necessary.

RICHARD F. DRAKE  
JOHN P. KIBBIE

### S-3245

1 Amend Senate File 375 as follows:  
2 1. Page 3, line 23, by striking the words  
3 "outdoor advertising facility, poster".  
4 2. Page 3, lines 25 and 26, by striking the words  
5 "; however, the identification need not be conspicuous  
6 on posters".  
7 3. Page 3, line 27, by inserting after the words  
8 "yard signs," the following: "any sign or poster with  
9 a dimension of sixteen square feet or less affixed to  
10 a building or vehicle".  
11 4. Page 5, by striking lines 10 through 26 and  
12 inserting the following:  
13 "1. a. Except as otherwise provided in this  
14 section, yard signs shall only be placed upon  
15 residential property with the permission of the  
16 property owner or occupant.  
17 b. This subsection does not prohibit placement of  
18 yard signs on any of the following property:  
19 (1) Agricultural land owned by individuals or by a  
20 family farm operation as defined in section 9H.1,  
21 subsections 8, 8A, 9, and 10, if the prior permission  
22 of the occupant of the property is obtained. For the  
23 purposes of this subsection, "agricultural land" means  
24 agricultural land as defined in section 9H.1.  
25 (2) Property owned by private individuals who have  
26 rented or leased the property to a corporation, if the  
27 prior permission of the owner is obtained.  
28 (3) Residential property owned by a corporation  
29 but rented or leased to a private individual, if the  
30 prior permission of the private individual is  
31 obtained.  
32 (4) Property owned by a private individual that  
33 has been zoned for commercial purposes, provided that

34 the prior permission of the private individual is  
35 obtained.  
36 (5) Any other property, including vacant lots,  
37 owned by a private individual, provided that the  
38 permission of the private individual is obtained.  
39 2. Yard signs with dimensions of sixteen square  
40 feet or less are exempt from the attribution statement  
41 requirements in section 56.14."

SHELDON RITTMER  
PATRICK J. DELUHERY

### S-3246

1 Amend House File 630, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 1, by inserting after line 2 the  
4 following:  
5 "Sec. \_\_\_\_ Section 56.6, subsection 1, paragraph  
6 c, Code 2001, is amended by striking the paragraph and  
7 inserting in lieu thereof the following:  
8 c. A candidate's committee for a candidate in a  
9 special election shall file a report as follows:  
10 (1) A candidate's committee for a candidate in a  
11 special election shall file a report by the fourteenth  
12 day prior to the special election that is current  
13 through the nineteenth day prior to the special  
14 election. The committee shall also file a  
15 supplemental report if the committee meets the  
16 criteria under paragraph "b".  
17 (2) A candidate's committee for a candidate for  
18 county elective office shall file a report by the  
19 Friday immediately preceding the special election that  
20 is current through the Tuesday prior to the special  
21 election."  
22 2. Page 3, line 26, by striking the word  
23 "sixteen" and inserting the following: "thirty-two".  
24 3. Page 5, line 23, by striking the word  
25 "corporation" and inserting the following: "owner".  
26 4. Page 5, by striking line 26 and inserting the  
27 following: "the private individual is obtained."  
28 (4) Property owned by a private individual that  
29 has been zoned for commercial purposes, provided that  
30 the prior permission of the owner is obtained.  
31 (5) Any other property, including vacant lots,  
32 owned by a private individual, provided that the  
33 permission of the owner is obtained."  
34 5. Page 5, line 33, by striking the word

35 "sixteen" and inserting the following: "thirty-two".  
36 6. By renumbering as necessary.

SHELDON RITTMER  
PATRICK J. DELUHERY

**S-3247**

1 Amend Senate File 348 as follows:  
2 1. Page 2, line 7, by inserting after the word  
3 "The" the following: "state board shall approve not  
4 more than five pilot charter school applications.  
5 The".  
6 2. Page 3, by striking lines 6 and 7 and  
7 inserting the following: "school. The sponsor shall  
8 provide for an election for".  
9 3. Page 3, by inserting after line 27 the  
10 following:  
11 "\_\_\_ Notwithstanding subsection 1, a sponsor that  
12 wishes to operate a charter school within the  
13 boundaries of a school district shall apply to that  
14 district's school board for approval. If the school  
15 board denies the application, the decision of the  
16 school board is final and not subject to review by any  
17 court or agency. A school board seeking to sponsor a  
18 charter school within its own boundaries is exempt  
19 from this subsection."  
20 4. By striking page 3, line 32 through page 4,  
21 line 1 and inserting the following: "not to sponsor a  
22 charter school, the decision of the school board is  
23 final and not subject to review by any court or  
24 agency."  
25 5. Page 5, line 2, by inserting after the word  
26 "chapters" the following: "256B".  
27 6. Page 5, by striking lines 6 through 9 and  
28 inserting the following: "did not operate under a  
29 charter. A pilot charter".  
30 7. Page 7, lines 9 and 10, by striking the words  
31 "and public transportation".  
32 8. Page 7, by inserting after line 19 the  
33 following: "o. The means, costs, and plan for  
34 providing transportation for students attending the  
35 pilot charter school."  
36 9. Page 7, by striking lines 26 through 33 and  
37 inserting the following: "decision in a timely  
38 manner, the failure to notify shall be deemed a  
39 denial, and the decision of the school board to deny  
40 approval is final and not subject to review by any  
41 court or agency."  
42 10. Page 14, line 16, by inserting before the  
43 word "for" the following: "and any moneys available  
44 to the district for each child attending the pilot

45 charter school who requires special education, by  
 46 application of the special education weighting plan in  
 47 section 256B.9,".  
 48 11. Page 15, by striking lines 2 through 5 and  
 49 inserting the following: "taxation. Except as  
 50 provided in section 256F.5, subsection 1, paragraph

Page 2

1 "f", a pilot charter school shall not levy taxes or  
 2 issue bonds for any purpose. The operation".

JEFF ANGELO

**S-3248**

1 Amend Senate File 491 as follows:  
 2 1. By striking page 1, line 1, through page 3,  
 3 line 21, and inserting the following:  
 4 "Section 1. Section 96.7, subsection 12, paragraph  
 5 d, Code 2001, is amended to read as follows:  
 6 d. This subsection is repealed July 1, ~~2001~~ 2003,  
 7 and the repeal is applicable to contribution rates for  
 8 calendar year ~~2002~~ 2004 and subsequent calendar  
 9 years."

BETTY A. SOUKUP  
 MARK SHEARER  
 EUGENE S. FRAISE  
 JOHN P. KIBBIE  
 THOMAS FIEGEN

**S-3249**

1 Amend Senate File 499 as follows:  
 2 1. Page 1, line 16, by inserting after the word  
 3 "Code" the following: ", except that the scheduled  
 4 fines in section 805.8A shall remain at the respective  
 5 scheduled fine amounts in the 2001 Code until such  
 6 time as the speed limit for all vehicular traffic on  
 7 fully controlled-access, divided, multilaned highways,  
 8 including the national system of interstate highways  
 9 is seventy miles per hour".

MERLIN E. BARTZ  
 KEN VEENSTRA  
 JEFF LAMBERTI  
 JOHN REDWINE  
 DERRYL McLAREN  
 STEVE KING  
 MIKE SEXTON

JERRY BEHN  
JOHN P. KIBBIE  
WALLY E. HORN  
E. THURMAN GASKILL  
NEAL SCHUERER  
STEVEN D. HANSEN  
MARY LOU FREEMAN

**S-3250**

- 1 Amend Senate File 375 as follows:
- 2 1. Page 3, line 23, by striking the words  
3 "outdoor advertising facility, poster,".
- 4 2. Page 3, lines 25 and 26, by striking the words  
5 "; however, the identification need not be conspicuous  
6 on posters".
- 7 3. Page 3, line 27, by inserting after the words  
8 "yard signs," the following: "any sign or poster with  
9 a dimension of sixteen square feet or less affixed to  
10 a building or vehicle,".
- 11 4. Page 5, by striking lines 10 through 26 and  
12 inserting the following:
- 13 "1. a. Except as otherwise provided in this  
14 section, yard signs shall only be placed upon  
15 residential property with the permission of the  
16 property owner or occupant.
- 17 b. This subsection does not prohibit placement of  
18 yard signs on any of the following property:
- 19 (1) Agricultural land owned by individuals or by a  
20 family farm operation as defined in section 9H.1,  
21 subsections 8, 8A, 9, and 10, if the prior permission  
22 of the occupant of the property is obtained. For the  
23 purposes of this subsection, "agricultural land" means  
24 agricultural land as defined in section 9H.1.
- 25 (2) Property owned by private individuals who have  
26 rented or leased the property to a corporation, if the  
27 prior permission of the owner is obtained.
- 28 (3) Residential property owned by a corporation  
29 but rented or leased to a private individual, if the  
30 prior permission of the private individual is  
31 obtained.
- 32 (4) Property owned by a private individual that  
33 has been zoned for commercial purposes, provided that  
34 the prior permission of the private individual is  
35 obtained.
- 36 (5) Any other property, including vacant lots,  
37 owned by a private individual, provided that the  
38 permission of the private individual is obtained.
- 39 2. Yard signs with dimensions of sixteen square  
40 feet or less are exempt from the attribution statement  
41 requirements in section 56.14."
- 42 5. Page 5, by inserting after line 31 the

43 following:

44 "Sec. \_\_\_\_\_. Section 56.15, subsection 4, unnumbered  
45 paragraph 2, Code 2001, is amended by striking the  
46 unnumbered paragraph."

47 6. By renumbering as necessary.

SHELDON RITTMER  
PATRICK J. DELUHERY

## S-3251

1 Amend Senate File 355 as follows:

2 1. By striking everything after the enacting  
3 clause, and inserting the following:

4 "Section 1. NEW SECTION. 232B.1 NEWBORN SAFE  
5 HAVEN ACT -- DEFINITIONS.

6 1. This chapter may be cited as the "Newborn Safe  
7 Haven Act".

8 2. For the purposes of this chapter, unless the  
9 context otherwise requires:

10 a. "Institutional health facility" means a  
11 hospital as defined in section 135B.1, including a  
12 facility providing medical or health services that is  
13 open twenty-four hours per day, seven days per week  
14 and is a hospital emergency room, or a health care  
15 facility as defined in section 135C.1.

16 b. "Newborn infant" means a child who is, or who  
17 appears to be, fourteen days of age or younger.

18 Sec. 2. NEW SECTION. 232B.2 NEWBORN INFANT  
19 CUSTODY RELEASE PROCEDURES.

20 1. A parent of a newborn infant may voluntarily  
21 release custody of the newborn infant by relinquishing  
22 physical custody of the newborn infant, without  
23 expressing an intent to again assume physical custody,  
24 at an institutional health facility or by authorizing  
25 another person to relinquish physical custody on the  
26 parent's behalf. If physical custody of the newborn  
27 infant is not relinquished directly to an individual  
28 on duty at the institutional health facility, the  
29 parent may take other actions to be reasonably sure  
30 that an individual on duty is aware that the newborn  
31 infant has been left at the institutional health  
32 facility. The actions may include but are not limited  
33 to making telephone contact with the institutional  
34 health facility or a 911 service. For the purposes of  
35 this chapter and for any judicial proceedings  
36 associated with the newborn infant, a rebuttable  
37 presumption arises that the person who relinquishes  
38 physical custody at an institutional health facility  
39 in accordance with this section is the newborn  
40 infant's parent or has relinquished physical custody  
41 with the parent's authorization.

42 2. a. Unless the parent or other person  
43 relinquishing physical custody of a newborn infant  
44 clearly expresses an intent to return to again assume  
45 physical custody of the newborn infant, an individual  
46 on duty at the facility at which physical custody of  
47 the newborn infant was relinquished pursuant to  
48 subsection 1 shall take physical custody of the  
49 newborn infant. The individual on duty may request  
50 the parent or other person to provide the name of the

Page 2

1 parent or parents and information on the medical  
2 history of the newborn infant and the newborn infant's  
3 parent or parents. However, the parent or other  
4 person is not required to provide the names or medical  
5 history information to comply with this section. The  
6 individual on duty may perform reasonable acts  
7 necessary to protect the physical health or safety of  
8 the newborn infant. The individual on duty and the  
9 institutional health facility in which the individual  
10 was on duty are immune from criminal or civil  
11 liability for any acts or omissions made in good faith  
12 to comply with this section.

13 b. If the physical custody of the newborn infant  
14 is relinquished at an institutional health facility,  
15 the state shall reimburse the institutional health  
16 facility for the institutional health facility's  
17 actual expenses in providing care to the newborn  
18 infant and in performing acts necessary to protect the  
19 physical health or safety of the newborn infant. The  
20 reimbursement shall be paid from moneys appropriated  
21 for this purpose to the department of human services.

22 c. The individual on duty or other person  
23 designated by the institutional health facility at  
24 which physical custody of the newborn infant was  
25 relinquished shall submit the certificate of birth  
26 report as required pursuant to section 144.14.

27 3. As soon as possible after the individual on  
28 duty assumes physical custody of a newborn infant  
29 released under subsection 1, the individual shall  
30 notify the department of human services and the  
31 department shall take the actions necessary to assume  
32 the care, control, and custody of the newborn infant.  
33 The department shall immediately notify the juvenile  
34 court and the county attorney of the department's  
35 action and the circumstances surrounding the action  
36 and request an ex parte order from the juvenile court  
37 ordering, in accordance with the requirements of  
38 section 232.78, the department to take custody of the  
39 newborn infant. Upon receiving the order, the  
40 department shall take custody of the newborn infant.

41 Within twenty-four hours of taking custody of the  
42 newborn infant, the department shall notify the  
43 juvenile court and the county attorney in writing of  
44 the department's action and the circumstances  
45 surrounding the action.  
46 4. a. Upon being notified in writing by the  
47 department under subsection 3, the county attorney  
48 shall file a petition alleging the newborn infant to  
49 be a child in need of assistance in accordance with  
50 section 232.87 and a petition for termination of

Page 3

1 parental rights with respect to the newborn infant in  
2 accordance with section 232.111, subsection 2,  
3 paragraph "a". A hearing on a child in need of  
4 assistance petition filed pursuant to this subsection  
5 shall be held at the earliest practicable time. A  
6 hearing on a termination of parental rights petition  
7 filed pursuant to this subsection shall be held no  
8 later than thirty days after the day the physical  
9 custody of the newborn child was relinquished in  
10 accordance with subsection 1 unless the juvenile court  
11 continues the hearing beyond the thirty days for good  
12 cause shown.

13 b. Notice of a petition filed pursuant to this  
14 subsection shall be provided in accordance with the  
15 provisions of chapter 232 and shall be served upon any  
16 putative father registered with the state registrar of  
17 vital statistics pursuant to section 144.12A. Prior  
18 to holding a termination of parental rights hearing  
19 with respect to the newborn infant, notice by  
20 publication shall be provided as described in section  
21 600A.6, subsection 5.

22 5. Reasonable efforts, as defined in section  
23 232.102, that are made in regard to the newborn infant  
24 shall be limited to the efforts made in a timely  
25 manner to finalize a permanency plan for the newborn  
26 infant.

27 6. An individual on duty at an institutional  
28 health facility who assumes custody of a newborn  
29 infant upon the release of the newborn infant under  
30 subsection 1 shall be provided notice of any hearing  
31 held concerning the newborn infant at the same time  
32 notice is provided to other parties to the hearing and  
33 the individual may provide testimony at the hearing.

34 Sec. 3. NEW SECTION. 232B.3 IMMUNITY.

35 The parent of a newborn infant who voluntarily  
36 releases custody of the newborn infant in accordance  
37 with subsection 1, is immune from criminal prosecution  
38 and civil liability for any act or omission made in  
39 connection with the newborn infant prior to the time

40 of the voluntary release. Any other person authorized  
41 by the parent to assist with such release by  
42 relinquishing physical custody of the newborn infant  
43 or to otherwise act on the parent's behalf is immune  
44 from criminal prosecution and civil liability for any  
45 reasonable acts or omissions made in good faith in  
46 assisting with the release.  
47 Sec. 4. NEW SECTION. 232B.4 RIGHTS OF PARENTS.  
48 Either parent of a newborn infant whose custody was  
49 released in accordance with section 232B.2, may  
50 intervene in the child in need of assistance or

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1 termination of parental rights proceedings held  
2 regarding the newborn infant and request that the  
3 juvenile court grant custody of the newborn infant to  
4 the parent. The requester must show by clear and  
5 convincing evidence that the requester is the parent  
6 of the newborn infant. If the court determines that  
7 the requester is the parent of the newborn infant and  
8 that granting custody of the newborn infant to the  
9 parent is in the newborn infant's best interest, the  
10 court shall issue an order granting custody of the  
11 newborn infant to the parent. In addition to such  
12 order, the court may order services for the newborn  
13 infant and the parent as are in the best interest of  
14 the newborn infant.  
15 Sec. 5. NEW SECTION. 232B.5 CONFIDENTIALITY  
16 PROTECTIONS.  
17 1. In addition to any other privacy protection  
18 established in law, a record that is developed,  
19 acquired, or held in connection with an individual's  
20 good faith effort to voluntarily release a newborn  
21 infant in accordance with this chapter and any  
22 identifying information concerning the individual  
23 shall be kept confidential. Such record shall not be  
24 inspected or the contents disclosed except as provided  
25 in this section.  
26 2. A record described in subsection 1 may be  
27 inspected and the contents disclosed without court  
28 order to the following:  
29 a. The court and professional court staff,  
30 including juvenile court officers.  
31 b. The newborn infant and the newborn infant's  
32 counsel.  
33 c. The newborn infant's parent, guardian,  
34 custodian, court-appointed special advocate, and  
35 guardian ad litem.  
36 d. The county attorney and the county attorney's  
37 assistants.  
38 e. An agency, association, facility, or

39 institution which has custody of the newborn infant,  
40 or is legally responsible for the care, treatment, or  
41 supervision of the newborn infant.

42 f. The newborn infant's foster parent or an  
43 individual providing preadoptive care to the newborn  
44 infant.

45 3. Pursuant to court order a record described in  
46 subsection 1 may be inspected by and the contents may  
47 be disclosed to any of the following:

48 a. A person conducting bona fide research for  
49 research purposes under whatever conditions the court  
50 may deem proper, provided that no personal identifying

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1 data shall be disclosed to such a person.

2 b. Persons who have a direct interest in a  
3 proceeding or in the work of the court.

4 4. Any person who knowingly discloses, receives,  
5 or makes use or permits the use of information derived  
6 directly or indirectly from such a record or discloses  
7 identifying information concerning such individual,  
8 except as provided by this section, commits a serious  
9 misdemeanor.

10 Sec. 6. NEW SECTION. 232B.6 EDUCATIONAL AND  
11 PUBLIC INFORMATION.

12 The department of human services, in consultation  
13 with the Iowa department of public health and the  
14 department of justice, shall develop and distribute  
15 the following:

16 1. An information card or other publication for  
17 distribution by an institutional health facility to a  
18 parent who releases custody of a newborn infant in  
19 accordance with this chapter. The publication shall  
20 inform the parent of a parent's rights under section  
21 232B.4, explain the request for medical history  
22 information under section 232B.2, subsection 2, and  
23 provide other information deemed pertinent by the  
24 departments.

25 2. Educational materials, public information  
26 announcements, and other resources to develop  
27 awareness of the availability of the newborn safe  
28 haven Act, among adolescents, young parents, and  
29 others who might avail themselves of the Act.

30 3. Signage that may be used to identify the  
31 institutional health facilities at which physical  
32 custody of a newborn infant may be relinquished in  
33 accordance with this chapter.

34 Sec. 7. Section 232.2, subsection 6, Code 2001, is  
35 amended by adding the following new paragraph:  
36 NEW PARAGRAPH. p. Who is a newborn infant whose  
37 parent has voluntarily released custody of the child

38 in accordance with chapter 232B.  
39 Sec. 8. Section 232.102, Code 2001, is amended by  
40 adding the following new subsection:  
41 NEW SUBSECTION. 1B. If the court has adjudicated  
42 the child to be in need of assistance based upon the  
43 definition in section 232.2, subsection 6, paragraph  
44 "p", for a newborn infant whose parent voluntarily  
45 released custody of the child in accordance with  
46 chapter 232B, the child placing agency or the  
47 department to which the court transfers legal custody  
48 of the child under subsection 1 shall make every  
49 reasonable effort to place the child in preadoptive  
50 care or other appropriate placement that is likely to

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1 lead to the permanent placement of the child in an  
2 expedited manner.  
3 Sec. 9. Section 232.111, subsection 2, paragraph  
4 a, subparagraph (3), Code 2001, is amended to read as  
5 follows:  
6 (3) The child is less than twelve months of age  
7 and has been judicially determined to meet the  
8 definition of abandonment of a child or the child is a  
9 newborn infant whose parent has voluntarily released  
10 custody of the child in accordance with chapter 232B.  
11 Sec. 10. Section 232.116, subsection 1, Code 2001,  
12 is amended by adding the following new paragraph:  
13 NEW PARAGRAPH. bb. The court finds that there is  
14 clear and convincing evidence that the child is a  
15 newborn infant whose parent has voluntarily released  
16 custody of the child in accordance with chapter 232B.  
17 Sec. 11. Section 232.117, Code 2001, is amended by  
18 adding the following new subsection:  
19 NEW SUBSECTION. 9. If a termination of parental  
20 rights order is issued on the grounds that the child  
21 is a newborn infant whose parent has voluntarily  
22 released custody of the child under section 232.116,  
23 subsection 1, paragraph "bb", the court shall retain  
24 jurisdiction to change a guardian or custodian and to  
25 allow a parent whose rights have been terminated or  
26 any putative parent to request vacation or appeal of  
27 the termination order which request must be made  
28 within thirty days of issuance of the granting of the  
29 termination order. The period for request for  
30 vacation or appeal by a parent whose rights have been  
31 terminated or by a putative parent shall not be waived  
32 or extended and a vacation or appeal shall not be  
33 granted for a request made after the expiration of  
34 this period. The court shall grant the vacation  
35 request only if it is in the best interest of the  
36 child. The supreme court shall prescribe rules to

37 conclusively establish the period of thirty days,  
 38 which shall not be waived or extended, in which a  
 39 parent whose parental rights have been terminated or a  
 40 putative parent may request a vacation or appeal of  
 41 such a termination order.

42 Sec. 12. NEW SECTION. 802.10 NEWBORN SAFE HAVEN  
 43 ACT -- IMMUNITY.

44 The parent of a newborn infant who voluntarily  
 45 releases custody of the newborn infant in accordance  
 46 with chapter 232B, the newborn safe haven Act, has  
 47 immunity from criminal prosecution and civil liability  
 48 as provided in section 232B.3. Any other person  
 49 authorized by the parent to assist with such release  
 50 on the parent's behalf has immunity from criminal

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1 prosecution and civil liability as provided in section  
 2 232B.3.

3 Sec. 13. EFFECTIVE DATE. This Act, being deemed  
 4 of immediate importance, takes effect upon enactment."

5 2. Title page, by striking lines 1 through 6 and  
 6 inserting the following: "An Act providing for the  
 7 release of custody and termination of parental rights  
 8 for certain newborn infants whose parent or person  
 9 authorized to act on the parent's behalf relinquishes  
 10 physical custody at certain health facilities and  
 11 providing for immunity from prosecution and civil  
 12 liability for such parent or person, establishing  
 13 confidentiality protections and a penalty, and  
 14 providing an effective date."

NANCY BOETTGER

### S-3252

1 Amend Senate File 289 as follows:

2 1. Page 1, line 6, by inserting after the word  
 3 "burn." the following: "This notification requirement  
 4 shall not apply if any local ordinance governing the  
 5 same subject matter is adopted."

MAGGIE TINSMAN

### S-3253

1 Amend Senate File 342 as follows:

2 1. Page 1, by inserting after line 7, the  
 3 following:

4 "Sec. \_\_\_\_. NEW SECTION. 53.19A LISTS OF ABSENTEE

## 5 VOTERS.

- 6 1. Any person may request of the commissioner and  
7 shall receive, upon payment of the cost of  
8 preparation, a list of absentee voters in accordance  
9 with the following requirements and limitations:  
10 a. The commissioner shall prepare each list  
11 requested within three days of receipt of the request,  
12 except that the commissioner shall not be required to  
13 prepare any list within five days of the election for  
14 which the list is requested.  
15 b. Each list shall be as current as possible, but  
16 shall in all cases reflect absentee voter activity  
17 recorded by the commissioner seven or more days before  
18 preparation of the list.  
19 c. Each list shall be in the order and form  
20 specified by the list purchaser, and shall contain the  
21 absentee voter data specified by the list purchaser,  
22 provided that compliance with the request is within  
23 the capability of the record maintenance system used  
24 by the commissioner.  
25 d. Absentee voter information shall be maintained  
26 in an electronic medium. The commissioner shall  
27 prepare updates to lists at least weekly. All updates  
28 shall be made available to all requesters at the same  
29 time, and shall be in the order and form specified by  
30 each requester.
- 31 2. The commissioner shall maintain a log of the  
32 name, address, and telephone number of every person  
33 who receives a list under this section, and of every  
34 person who reviews absentee voter records in the  
35 office of the commissioner. Logs maintained under  
36 this subsection are public records, and shall be  
37 available for public inspection at reasonable times.
- 38 3. Information about absentee voters obtained from  
39 absentee voter records shall be used only for a  
40 genuine political purpose, or for a bona fide official  
41 purpose by an elected official, or for bona fide  
42 political research, but shall not be used for any  
43 commercial purposes. A person who uses absentee voter  
44 information in violation of this section commits a  
45 serious misdemeanor.
- 46 4. Lists of absentee voters shall be preserved and  
47 destroyed in the same manner as are ballots for  
48 elections under section 50.19."
- 49 2. Title page, line 1 by inserting after the word  
50 "Act" the following: "relating to the conduct of

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- 1 elections by providing for the availability of
- 2 absentee voter lists and by".
- 3 3. By renumbering as necessary.

JOE BOLKCOM

**S-3254**

- 1 Amend Senate File 342 as follows:
- 2 1. Page 1, by inserting after line 7, the
- 3 following:
- 4 "Sec. \_\_\_\_ NEW SECTION. 53.3 ONGOING ABSENTEE
- 5 VOTER.
- 6 A registered voter applying for an absentee ballot
- 7 under section 53.2 using the state commissioner's
- 8 prescribed form for absentee ballot applications may
- 9 request to receive an absentee ballot for each
- 10 subsequent general election in which that person is
- 11 eligible to vote, and qualifies under section 53.1.
- 12 The state commissioner shall provide on the prescribed
- 13 form a check box for this purpose. For each
- 14 subsequent general election, the commissioner shall
- 15 automatically mail an absentee ballot to the
- 16 requesting voter, or automatically deliver an absentee
- 17 ballot to a confined person pursuant to section 53.22.
- 18 A voter's status as an ongoing absentee voter shall be
- 19 terminated upon the request of the voter, by the
- 20 commissioner if the voter fails to qualify under
- 21 section 53.1, or if the voter fails to vote in a
- 22 general election."
- 23 2. Title page, line 1, by inserting after the
- 24 word "Act" the following: "relating to the conduct of
- 25 elections by providing for ongoing absentee voter
- 26 status for general elections and by".
- 27 3. By renumbering as necessary.

JOE BOLKCOM

**S-3255**

- 1 Amend Senate File 342 as follows:
- 2 1. Page 1, by inserting after line 7, the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 53.2, unnumbered paragraph 1,
- 5 Code 2001, is amended to read as follows:
- 6 Any registered voter, under the circumstances
- 7 specified in section 53.1, may on any day, except
- 8 election day, and not more than seventy days prior to
- 9 the date of the election, apply in person for an

10 absentee ballot at the commissioner's office or at any  
11 location designated by the commissioner, or make  
12 written or facsimile application to the commissioner  
13 for an absentee ballot. The state commissioner shall  
14 prescribe a form for absentee ballot applications.  
15 However, if a registered voter submits an application  
16 that includes all of the information required in this  
17 section, the prescribed form is not required.  
18 Absentee ballot applications may include instructions  
19 to send the application directly to the county  
20 commissioner of elections. However, no absentee  
21 ballot application shall be preaddressed or printed  
22 with instructions to send the applications to anyone  
23 other than the appropriate commissioner.

24 Sec. \_\_\_\_ Section 53.21, unnumbered paragraph 1,  
25 Code 2001, is amended to read as follows:

26 A voter who has requested an absentee ballot may  
27 obtain a replacement ballot if the voter declares that  
28 the original ballot was lost or did not arrive. The  
29 commissioner upon receipt of a ~~written or~~ written,  
30 oral, or facsimile request for a replacement ballot  
31 shall provide a duplicate ballot. The same serial  
32 number that was assigned to the records of the  
33 original absentee ballot request shall be used on the  
34 envelopes and records of the replacement ballot.

35 Sec. \_\_\_\_ Section 53.22, subsection 2, Code 2001,  
36 is amended to read as follows:

37 2. Any registered voter who becomes a patient or  
38 resident of a hospital or health care facility in the  
39 county where the voter is registered to vote within  
40 three days prior to the date of any election or on  
41 election day may request an absentee ballot during  
42 that period or on election day. As an alternative to  
43 the application procedure prescribed by section 53.2,  
44 the registered voter may make the request directly to  
45 the officers who are delivering and returning absentee  
46 ballots under this section. Alternatively, the  
47 request may be made by telephone or facsimile to the  
48 office of the commissioner not later than four hours  
49 before the close of the polls. If the requester is  
50 found to be a registered voter of that county, these

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1 officers shall deliver the appropriate absentee ballot  
2 to the registered voter in the manner prescribed by  
3 this section.

4 Sec. \_\_\_\_ Section 53.22, subsection 5, unnumbered  
5 paragraph 1, Code 2001, is amended to read as follows:

6 If the registered voter becomes a patient or  
7 resident of a hospital or health care facility outside  
8 the county where the voter is registered to vote

- 9 within three days before the date of any election or  
 10 on election day, the voter may designate a person to  
 11 deliver and return the absentee ballot. The designee  
 12 may be any person the voter chooses except that no  
 13 candidate for any office to be voted upon for the  
 14 election for which the ballot is requested may deliver  
 15 a ballot under this subsection. The request for an  
 16 absentee ballot may be made by telephone or facsimile  
 17 to the office of the commissioner not later than four  
 18 hours before the close of the polls. If the requester  
 19 is found to be a registered voter of that county, the  
 20 ballot shall be delivered by mail or by the person  
 21 designated by the voter. An application form shall be  
 22 included with the absentee ballot and shall be signed  
 23 by the voter and returned with the ballot."  
 24 2. Title page, line 1, by inserting after the  
 25 word "Act" the following: "relating to the conduct of  
 26 elections by authorizing absentee ballot requests by  
 27 facsimile and by".  
 28 3. By renumbering as necessary.

JOE BOLKCOM

### S-3256

- 1 Amend Senate File 342 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 49.14, subsection 1, Code  
 5 2001, is amended to read as follows:  
 6 1. The commissioner may appoint substitute  
 7 precinct election officials as alternates for election  
 8 board members. ~~A majority of the original election~~  
 9 ~~board members shall be present at the precinct polling~~  
 10 ~~place at all times; The commissioner may use~~  
 11 ~~substitute precinct election officials to create~~  
 12 ~~multiple work shifts for polling places on election~~  
 13 ~~day. Shifts and work schedules shall be arranged at~~  
 14 ~~the discretion of the commissioner provided that at~~  
 15 ~~partisan elections such majority the composition of~~  
 16 ~~the election board shall include at least one precinct~~  
 17 ~~election official from each political party. If the~~  
 18 ~~chairperson leaves the polling place, the chairperson~~  
 19 ~~shall designate another member of the board to serve~~  
 20 ~~as chairperson until the chairperson returns. The~~  
 21 ~~responsibilities and duties of a precinct election~~  
 22 ~~official present at the time the polling place was~~  
 23 ~~opened on the day of an election may be assumed at any~~  
 24 ~~later time that day by a substitute appointed as an~~  
 25 ~~alternate. The substitute shall serve either for the~~  
 26 ~~balance of that election day or for any shorter period~~  
 27 ~~of time the commissioner may designate."~~

- 28 2. Title page, line 1, by inserting after the  
 29 word "Act" the following: "relating to the conduct of  
 30 elections by providing for work schedules at polling  
 31 places and by".  
 32 3. By renumbering as necessary.

JOE BOLKCOM

**S-3257**

- 1 Amend Senate File 342 as follows:  
 2 1. Page 1, by inserting after line 7, the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 53.8, subsection 1, Code 2001,  
 5 is amended to read as follows:  
 6 1. Upon receipt of an application for an absentee  
 7 ballot and immediately after the absentee ballots are  
 8 printed, the commissioner shall mail an absentee  
 9 ballot to the applicant within twenty-four hours,  
 10 except as otherwise provided in subsection 3. The  
 11 absentee ballot shall be enclosed in an unsealed  
 12 ballot envelope bearing a serial number and affidavit.  
 13 ~~The absentee ballot and unsealed envelope shall be~~  
 14 ~~enclosed in or with a carrier envelope which bears the~~  
 15 ~~same serial number as the unsealed envelope. The~~  
 16 ~~absentee ballot, and unsealed ballot envelope, and~~  
 17 ~~carrier envelope shall be enclosed in a third second~~  
 18 ~~envelope to be sent to the registered voter.~~  
 19 Sec. \_\_\_\_ Section 53.12, Code 2001, is amended to  
 20 read as follows:  
 21 53.12 DUTY OF COMMISSIONER.  
 22 The commissioner shall enclose the absentee ballot  
 23 in ~~an unsealed a~~ ballot envelope, to be furnished by  
 24 the commissioner, which envelope shall bear upon its  
 25 face the words "county commissioner of elections", the  
 26 address of the commissioner's office, and the same  
 27 serial number appearing on the ~~unsealed ballot~~  
 28 envelope shall be affixed to the application.  
 29 Sec. \_\_\_\_ Section 53.13, Code 2001, is amended to  
 30 read as follows:  
 31 53.13 VOTER'S AFFIDAVIT ON ENVELOPE.  
 32 On the ~~unsealed ballot~~ envelope shall be printed an  
 33 affidavit form prescribed by the state commissioner of  
 34 elections.  
 35 Sec. \_\_\_\_ Section 53.17, Code 2001, is amended to  
 36 read as follows:  
 37 53.17 MAILING OR DELIVERING BALLOT.  
 38 The sealed ballot envelope containing the absentee  
 39 ballot shall be ~~enclosed in a carrier envelope which~~  
 40 ~~shall be securely sealed. The sealed carrier envelope~~  
 41 ~~shall be returned to the commissioner by one of the~~  
 42 following methods:

43 1. The sealed ~~carrier~~ ballot envelope may be  
44 delivered by the registered voter or the voter's  
45 designee to the commissioner's office no later than  
46 the time the polls are closed on election day.  
47 2. The sealed ~~carrier~~ ballot envelope may be  
48 mailed to the commissioner. The ~~carrier~~ ballot  
49 envelope shall indicate that greater postage than  
50 ordinary first class mail may be required. The

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1 commissioner shall pay any insufficient postage due on  
2 a ~~carrier~~ ballot envelope bearing ordinary first class  
3 postage and accept the ballot.

4 In order for the ballot to be counted, the ~~carrier~~  
5 ballot envelope must be received in the commissioner's  
6 office before the polls close on election day or be  
7 clearly postmarked by an officially authorized postal  
8 service not later than the day before the election and  
9 received by the commissioner not later than noon on  
10 the Monday following the election.

11 If the law authorizing the election specifies that  
12 the supervisors canvass the votes earlier than the  
13 Monday following the election, absentee ballots  
14 returned through the mail must be received not later  
15 than the time established for the canvass by the board  
16 of supervisors for that election. The commissioner  
17 shall contact the post office serving the  
18 commissioner's office at the latest practicable hour  
19 before the canvass by the board of supervisors for  
20 that election, and shall arrange for absentee ballots  
21 received in that post office but not yet delivered to  
22 the commissioner's office to be brought to the  
23 commissioner's office before the canvass for that  
24 election by the board of supervisors.

25 Sec. \_\_\_\_ Section 53.18, Code 2001, is amended to  
26 read as follows:

27 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

28 Upon receipt of the absentee ballot, the  
29 commissioner shall at once record the number appearing  
30 on the application and ~~return carrier~~ ballot envelope  
31 and time of receipt of such ballot and attach the  
32 elector's application to the unopened envelope.  
33 Absentee ballots shall be stored in a secure place  
34 until they are delivered to the absentee and special  
35 voters.

36 Sec. \_\_\_\_ Section 53.19, unnumbered paragraph 1,  
37 Code 2001, is amended to read as follows:

38 The commissioner shall maintain a list of the  
39 absentee ballots provided to registered voters, the  
40 serial number appearing on the ~~unsealed~~ ballot  
41 envelope, the date the application for the absentee

42 ballot was received, and the date the absentee ballot  
 43 was sent to the registered voter requesting the  
 44 absentee ballot.

45 Sec. \_\_\_\_ Section 53.21, Code 2001, is amended to  
 46 read as follows:

47 53.21 REPLACEMENT OF LOST OR SPOILED ABSENTEE  
 48 BALLOTS.

49 A voter who has requested an absentee ballot may  
 50 obtain a replacement ballot if the voter declares that

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1 the original ballot was lost or did not arrive. The  
 2 commissioner upon receipt of a written or oral request  
 3 for a replacement ballot shall provide a duplicate  
 4 ballot. The same serial number that was assigned to  
 5 the records of the original absentee ballot request  
 6 shall be used on the ~~envelopes~~ envelope and records of  
 7 the replacement ballot.

8 The commissioner shall include with the replacement  
 9 ballot two copies of a statement in substantially the  
 10 following form:

11 The absentee ballot which I requested on  
 12 \_\_\_\_\_(date) has been lost or was never received.  
 13 If I find this absentee ballot I will return it,  
 14 unvoted, to the commissioner.

15

16 \_\_\_\_\_  
 17 (Signature of voter)

17

18 \_\_\_\_\_  
 19 (Date)

20 The voter shall enclose one copy of the above  
 21 statement in the ~~return carrier envelope~~ with the  
 22 ballot envelope and retain a copy for the voter's  
 23 records.

24 A voter who spoils an absentee ballot may return it  
 25 to the commissioner. The outside of the ~~return ballot~~  
 26 envelope shall be marked "SPOILED BALLOT". The  
 27 commissioner shall replace the ballot in the manner  
 28 provided in this section for lost ballots.

29 An absentee ballot returned to the commissioner  
 30 without a designation that the ballot was spoiled  
 31 shall not be replaced.

32 Sec. \_\_\_\_ Section 53.22, subsection 5, unnumbered  
 33 paragraph 2, Code 2001, is amended to read as follows:

34 Absentee ballots voted under this subsection shall  
 35 be delivered to the commissioner no later than the  
 36 time the polls are closed on election day. If the  
 37 ballot is returned by mail the ~~carrier ballot~~ envelope  
 38 must be received by the time the polls close, or  
 39 clearly postmarked by an officially authorized postal  
 40 service not later than the day before the election and  
 received by the commissioner no later than the time

41 established for the canvass by the board of  
 42 supervisors for that election.  
 43 Sec. \_\_\_\_ Section 53.23, subsection 3, Code 2001,  
 44 is amended to read as follows:  
 45 3. The commissioner shall set the convening time  
 46 for the board, allowing a reasonable amount of time to  
 47 complete counting all absentee ballots by ten p.m. on  
 48 election day. The commissioner may direct the board  
 49 to meet on the day before the election solely for the  
 50 purpose of reviewing the absentee voters' affidavits

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1 appearing on the sealed ballot envelopes. ~~If, if in~~  
 2 ~~the commissioner's judgment this procedure is~~  
 3 ~~necessary due to the number of absentee ballots~~  
 4 ~~received, the members of the board may open the sealed~~  
 5 ~~ballot envelopes and remove the secrecy envelope~~  
 6 ~~containing the ballot, but under. Under no~~  
 7 ~~circumstances shall a secrecy ballot envelope be~~  
 8 opened before the board convenes on election day. If  
 9 the affidavits on the ballot envelopes are opened  
 10 reviewed before election day, two observers, one  
 11 appointed by each of the two political parties  
 12 referred to in section 49.13, subsection 2, shall  
 13 witness the proceedings.

14 ~~If the board finds any ballot not enclosed in a~~  
 15 ~~secrecy envelope, the two special precinct election~~  
 16 ~~officials, one from each of the two political parties~~  
 17 ~~referred to in section 49.13, subsection 2, shall~~  
 18 ~~place the ballot in a secrecy envelope. No one shall~~  
 19 ~~examine the ballot. Each of the special precinct~~  
 20 ~~election officials shall sign the secrecy envelope.~~

21 Sec. \_\_\_\_ Section 53.23, subsection 5, Code 2001,  
 22 is amended to read as follows:

23 5. The special precinct election board shall  
 24 preserve the secrecy of all absentee and special  
 25 ballots. After the affidavits on the envelopes have  
 26 been reviewed and the qualifications of the persons  
 27 casting the ballots have been determined, those that  
 28 have been accepted for counting shall be opened. The  
 29 ballots shall be removed from the affidavit ballot  
 30 envelopes without being unfolded or examined, and then  
 31 shall be thoroughly intermingled, after which they  
 32 shall be unfolded and tabulated. If secrecy folders  
 33 or envelopes are used with special paper ballots, the  
 34 ballots shall be removed from the secrecy folders  
 35 after the ballots have been intermingled.

36 Sec. \_\_\_\_ Section 468.511, subsection 1, Code  
 37 2001, is amended to read as follows:

38 1. When a petition asking for the right to vote in  
 39 proportion to assessment of benefits at all elections

40 for any purpose thereafter to be held within said  
 41 district, signed by a majority of the landowners  
 42 owning land within said district assessed for  
 43 benefits, is filed with the board of trustees, then,  
 44 in all elections of trustees thereafter held within  
 45 said district, any person whose land is assessed for  
 46 benefits without regard to age, sex, or condition  
 47 shall be entitled to one vote for each ten dollars or  
 48 fraction thereof of the original assessment under the  
 49 current classification against the land actually owned  
 50 by the person in said district at the time of the

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1 election, but in order to have such ballot counted for  
 2 more than one vote the voter shall write the voter's  
 3 name upon the ballot. The vote of any landowner of  
 4 the district may be cast by absent voters ballot as  
 5 provided in chapter 53 except that the form of the  
 6 applications for ballots, the voters' affidavits on  
 7 the envelopes, and the endorsement of the ~~carrier~~  
 8 outer envelope for preserving the ballot shall be  
 9 substantially in the form provided in subsections 2, 3  
 10 and 4, below. Application blanks, envelopes and  
 11 ballots shall be provided by and submitted to the  
 12 office of the county auditor in which the election is  
 13 held. The cost of such blanks, envelopes, ballots and  
 14 postage shall be paid by the district. For the  
 15 purpose of this subchapter all landowners of the  
 16 district shall be considered qualified voters,  
 17 regardless of their place of residence.

18 Sec. \_\_\_\_ Section 468.511, subsection 4, Code  
 19 2001, is amended to read as follows:

20 4. For the purposes of this subchapter, upon  
 21 receipt of the ballot, the auditor shall at once  
 22 enclose the same, unopened, together with the  
 23 application made by the voter in a ~~large carrier an~~  
 24 outer envelope, securely seal the same, and endorse  
 25 thereon over the auditor's official signature, the  
 26 following:

- 27 a. Name of the district in which the voter is a  
 28 landowner.
- 29 b. Date of the election for which the ballot is  
 30 cast.
- 31 c. Location of the polling place at which the  
 32 ballot would be legally and properly cast if voted in  
 33 person.
- 34 d. Names of the judges of the election of that  
 35 polling place, and the statement that this envelope  
 36 contains an absent voters ballot and must be opened  
 37 only at the polls on election day while said polls are  
 38 open."

- 39 2. Title page, line 1, by inserting after the  
40 word "Act" the following: "relating to the conduct of  
41 elections by reducing the number of envelopes used in  
42 absentee voting from two to one and by".  
43 3. By renumbering as necessary.

JOE BOLKCOM

**S-3258**

- 1 Amend Senate File 497 as follows:  
2 1. Page 3, by striking line 15 and inserting the  
3 following: "senate. A vacancy shall be filled for  
4 the unexpired portion of the term in the same manner  
5 as a full-term appointment is made. The governor may  
6 remove the chief executive officer for malfeasance in  
7 office, or for any cause that renders the chief  
8 executive officer ineligible, incapable, or unfit to  
9 discharge the duties of the office."  
10 2. Page 3, line 17, by inserting after the words  
11 "shall include" the following: "management-level  
12 pension fund administration experience. The  
13 qualifications for appointment as the chief executive  
14 officer shall also include".  
15 3. Page 3, line 18, by striking the words "and  
16 executive-level experience in".  
17 4. Page 4, by striking lines 25 through 28 and  
18 inserting the following: "department. The budget  
19 program for the division shall be established by the  
20 chief executive officer in consultation with the board  
21 and other staff of the division and shall be compiled  
22 by the department of personnel in collaboration with  
23 the division and submitted on behalf of the division  
24 by the department pursuant to section 8.23."  
25 5. Page 8, line 24, by inserting after the word  
26 "division." the following: "The treasurer shall not  
27 select any bank or other third party for the purposes  
28 of investment asset safekeeping, other custody, or  
29 settlement services without prior consultation with  
30 the board."  
31 6. Page 12, line 26, by striking the word "nine"  
32 and inserting the following: "eleven".  
33 7. Page 12, line 27, by striking the word "two"  
34 and inserting the following: "four".  
35 8. Page 12, line 34, by inserting after the word  
36 "system." the following: "Prior to the appointment by  
37 the governor of a member of the board under this  
38 subparagraph, the benefits advisory committee shall  
39 submit a slate of at least two nominees per position  
40 to the governor for the governor's consideration. The  
41 governor is not required to appoint a member from the  
42 slate submitted."

43 9. Page 13, by striking lines 6 through 10 and  
 44 inserting the following: "The nonvoting members of  
 45 the board shall be two state representatives, one  
 46 appointed by the speaker of the house of  
 47 representatives and one by the minority leader of the  
 48 house, and two state senators, one appointed by the  
 49 majority leader of the senate and one by the minority  
 50 leader of the senate."

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1 10. Page 14, line 14, by inserting after the word  
 2 "benefits" the following: "and services".  
 3 11. Page 15, line 13, by inserting after the word  
 4 "concerning" the following: "the services provided to  
 5 members and".  
 6 12. Page 15, by inserting after line 16 the  
 7 following:  
 8 "c. Upon the expiration of the term of office of  
 9 or a vacancy concerning one of the three members of  
 10 the investment board described in section 97B.8A,  
 11 subsection 4, paragraph "a", subparagraph (2), the  
 12 voting members of the committee shall submit to the  
 13 governor the names of at least two nominees who meet  
 14 the requirements specified in that subparagraph. The  
 15 governor may appoint the member from the list  
 16 submitted by the committee."  
 17 13. Page 16, line 1, by inserting after the word  
 18 "injury." the following: "However, the benefits  
 19 advisory committee shall not incur any additional  
 20 expenses in fulfilling its duties as provided by this  
 21 section without the express written authority of the  
 22 chief executive officer."  
 23 14. Page 19, line 1, by inserting after the word  
 24 and figures "July 1, 2002." the following: "Two  
 25 additional legislative members shall be appointed and  
 26 commence membership on the new investment board on  
 27 July 1, 2002, as provided in section 97B.8A as enacted  
 28 in this Act."  
 29 15. By renumbering as necessary.

JOHN P. KIBBIE  
 RICHARD F. DRAKE  
 MARY LOU FREEMAN  
 SHELDON RITTMER

**S-3259**

1 Amend Senate File 503 as follows:  
 2 1. Page 1, line 23, by striking the word  
 3 "implemented" and inserting the following:  
 4 "installed".

5 2. By striking page 1, line 27, through page 2,  
6 line 24 and inserting the following:  
7 "Sec. \_\_\_\_ NEW SECTION. 455B.205A OPEN FEEDLOT  
8 COMPLIANCE PROGRAM.  
9 1. The owner of an open feedlot may elect to  
10 participate in an open feedlot compliance program as  
11 established and administered by the department. Under  
12 the program, the department must provide for the  
13 registration of the open feedlot and approve a  
14 compliance plan for the open feedlot to satisfy  
15 requirements of this division based on an  
16 environmental priority assessment conducted by the  
17 department in conjunction with the owner. The  
18 compliance plan shall to the extent necessary provide  
19 for any of the following:  
20 a. The construction of manure control facilities  
21 that retain all manure and related runoff originating  
22 from the open feedlot or related areas.  
23 b. The installation of manure control practices.  
24 2. a. The owner of an open feedlot participating  
25 in the open feedlot compliance program who is required  
26 under a compliance plan to construct a manure control  
27 facility to retain all manure and related runoff may  
28 extend completion of that part of the compliance plan  
29 requiring construction of the manure control facility  
30 until cost-share moneys equaling at least seventy-five  
31 percent of the cost of construction are contributed by  
32 the state or federal government.  
33 b. The owner of an open feedlot participating in  
34 the open feedlot compliance program who is required  
35 under a compliance plan to install a manure control  
36 practice may extend completion of that part of the  
37 compliance plan requiring installation of the practice  
38 until cost-share moneys equaling at least fifty  
39 percent of the cost of installation are contributed by  
40 the state or federal government."  
41 3. Page 2, line 25, by striking the figure  
42 "455B.205C" and inserting the following: "455B.205B".  
43 4. Page 2, line 28, by striking the word  
44 "implemented" and inserting the following:  
45 "installed".  
46 5. Page 2, line 31, by striking the word  
47 "implementation" and inserting the following:  
48 "installation".

MIKE SEXTON

**S-3260**

1 Amend Senate File 485 as follows:  
2 1. By striking page 1, line 20, through page 2,  
3 line 8.

4 2. Page 2, line 11, by striking the words  
5 "magistrate or".

JEFF LAMBERTI

**S-3261**

1 Amend House File 324, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 18, by inserting after line 26 the  
4 following:  
5 "Sec. 101. RETROACTIVE APPLICABILITY. The  
6 following provisions of this Act shall apply  
7 retroactively to April 25, 1999:  
8 1. Section 34 of this Act, adding section 322A.1,  
9 subsection 9A.  
10 2. Section 35 of this Act, amending section  
11 322A.11, unnumbered paragraph 1.  
12 3. The provision of section 36 of this Act,  
13 amending section 322A.11, subsection 2.  
14 Sec. 102. EFFECTIVE DATE. The following  
15 provisions of this Act, being deemed of immediate  
16 importance, take effect upon enactment:  
17 1. Section 30 of this Act, amending section 322.3,  
18 subsection 14.  
19 2. Section 32 of this Act, amending section  
20 322.28.  
21 3. Section 34 of this Act, adding section 322A.1,  
22 subsection 9A.  
23 4. Section 35 of this Act, amending section  
24 322A.11, unnumbered paragraph 1.  
25 5. The provision of section 36 of this Act,  
26 amending section 322A.11, subsection 2.  
27 6. Section 101 of this Act, providing for  
28 retroactive applicability for the provisions described  
29 in subsections 3 through 5."  
30 2. Page 24, by striking lines 1 through 4.  
31 3. Title page, line 3, by inserting after the  
32 word "penalty" the following: ", a retroactive  
33 applicability date,".  
34 4. By renumbering, redesignating, and correcting  
35 internal references as necessary.

MICHAEL E. GRONSTAL  
STEWART IVERSON, JR.

**S-3262**

1 Amend Senate File 348 as follows:  
2 1. Page 5, by inserting after line 32 the  
3 following:

4 "j. Be subject to and comply with chapter 284  
5 relating to the student achievement and teacher  
6 quality program. A pilot charter school that complies  
7 with chapter 284 shall receive state moneys or be  
8 eligible to receive state moneys as provided in  
9 chapter 284 as if it did not operate under a charter."

10 2. Page 16, by inserting after line 21, the  
11 following:

12 "Sec. \_\_\_\_ . CONDITIONAL EFFECTIVENESS. Section  
13 256F.5, subsection 1, paragraph "j", as enacted in  
14 this Act, takes effect only if 2001 Iowa Acts, Senate  
15 File 476, is enacted."

16 3. Title page, line 1, by inserting after the  
17 word "schools" the following: "and providing for a  
18 conditional effective date".

19 4. By renumbering as necessary.

MIKE CONNOLLY

### S-3263

1 Amend House File 324, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 23, by inserting after line 23 the  
4 following:

5 "Sec. \_\_\_\_ . Section 314.2, Code 2001, is amended to  
6 read as follows:

7 314.2 INTEREST IN CONTRACT PROHIBITED.

8 ~~No A~~ state or county official or employee, elective  
9 or appointive, ~~shall be directly or indirectly~~  
10 interested not have an interest in any a contract for  
11 the construction, reconstruction, improvement or  
12 maintenance of any highway, bridge, or culvert, or the  
13 furnishing of materials ~~therefore under such a~~  
14 contract, at any level of the supply chain. The  
15 letting of a contract in violation of ~~the foregoing~~  
16 provisions this section shall invalidate the contract  
17 and such violation shall be a complete defense to any  
18 action to recover any consideration due or earned  
19 under the contract at the time of its termination.  
20 The contracting agency shall take action to recover  
21 any moneys paid to a state or county official or  
22 employee for services or materials provided in  
23 violation of this section. For purposes of this  
24 section, "an interest in a contract" includes a  
25 direct, indirect, or any other type of interest in a  
26 contract, including the provision of materials for a  
27 project that is the subject of a contract, whether  
28 such provision is pursuant to subcontract or

29 otherwise."

30 2. By renumbering, redesignating, and correcting  
31 internal references as necessary.

STEVE KING

**S-3264**

1 Amend House File 324, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 23, by inserting after line 23 the  
4 following:  
5 "Sec.     . NEW SECTION. 306.46 EFFECT ON ACCESS  
6 TO POLITICAL SUBDIVISION.  
7 In the construction, reconstruction, improvement,  
8 or maintenance of any highway under its jurisdiction,  
9 the department shall not close all paved highway  
10 access to a municipality."  
11 2. By renumbering, redesignating, and correcting  
12 internal references as necessary.

MARK SHEARER

**S-3265**

1 Amend House File 458, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Title page, line 2, by inserting after the  
4 word "incest" the following: "or sexual exploitation  
5 by a counselor or therapist".

NANCY BOETTGER

**S-3266**

1 Amend House File 292, as passed by the House, as  
2 follows:  
3 1. Page 1, line 2, by striking the word  
4 "paragraph" and inserting the following:  
5 "paragraphs".  
6 2. Page 1, by inserting the following after line  
7 9:  
8 "NEW PARAGRAPH. 1. Charging a negotiated fee to  
9 recover a share of the costs related to the research  
10 and development, initial production, and derivative  
11 products of the department's proprietary software and  
12 hardware, information technology architecture design,  
13 and proprietary technology applications developed to  
14 support authorized users, to private vendors and to  
15 other political entities and subdivisions, including  
16 but not limited to states, territories, protectorates,

17 and foreign countries. The department may enter into  
18 nondisclosure agreements to protect the state of  
19 Iowa's proprietary interests. The provisions of  
20 chapter 23A relating to noncompetition by state  
21 agencies and political subdivisions with private  
22 enterprise shall not apply to department activities  
23 authorized under this paragraph."

24 3. Page 1, by inserting after line 21 the  
25 following:

26 "Sec. 4. Section 23A.2, subsection 10, Code 2001,  
27 is amended by adding the following new paragraph:  
28 NEW PARAGRAPH. n. The performance of an activity  
29 authorized pursuant to section 14B.102, subsection 2,  
30 paragraph "l"."

DERRYL McLAREN

### S-3267

1 Amend Senate File 341 as follows:

2 1. Page 4, by striking lines 8 through 32.

3 2. Title page, line 2, by striking the words  
4 "fines, penalties," and inserting the following:  
5 "penalties".

6 3. By renumbering, redesignating, and correcting  
7 internal references as necessary.

SHELDON RITTMER

### S-3268

1 Amend Senate File 487 as follows:

2 1. Page 2, lines 13 and 14, by striking the words  
3 "or to a person sentenced as an habitual offender" and  
4 inserting the following: "a person sentenced as an  
5 habitual offender, felonies listed in section 901A.1,  
6 or a felony committed by a person on parole, work  
7 release, or while in the custody of the director of  
8 the department of corrections".

ANDY McKEAN  
O. GENE MADDOX

### S-3269

1 Amend Senate File 346 as follows:

2 1. Page 1, lines 13 and 14, by striking the words  
3 "~~or should know~~" and inserting the following: "or  
4 reasonably should know".

JACK HOLVECK  
JOHNIE HAMMOND

**S-3270**

1 Amend Senate File 342 as follows:

2 1. Page 1, by inserting before line 1, the

3 following:

4 "Sec. 100. Section 48A.5, Code 2001, is amended by

5 adding the following new subsection:

6 NEW SUBSECTION. 3A. If a person is registering

7 under the provisions of section 48A.9A, the person

8 shall be a resident of the county in which the

9 election is held for ten days immediately preceding

10 the election, subject to the provisions of subsection

11 3 and section 48A.27, subsection 2, paragraph "a",

12 subparagraph (3).

13 Sec. \_\_\_\_ Section 48A.9, subsection 1, Code 2001,

14 is amended to read as follows:

15 1. Registration closes at five p.m. eleven days

16 before each election except primary and general

17 elections. For primary and general elections,

18 registration closes at five p.m. ten days before the

19 election. An eligible elector may register during the

20 time registration is closed in the elector's precinct

21 but the registration shall not become effective until

22 registration opens again in the elector's precinct

23 unless the elector obtains an affidavit of special

24 late registration as provided in section 48A.9A.

25 Sec. \_\_\_\_ NEW SECTION. 48A.9A SPECIAL LATE

26 REGISTRATION.

27 1. Notwithstanding the voter registration

28 deadlines in section 48A.9, an eligible elector may

29 register to vote on election day if the elector

30 presents to the precinct election official

31 identification upon which the voter's photograph and

32 signature or mark appears.

33 2. The commissioner shall record the information

34 required of an eligible elector on the election

35 register for the county precinct of the eligible

36 elector or shall provide a separate listing of the

37 information required of an eligible elector to the

38 county precinct of the eligible elector who registers

39 in person at the commissioner's office or at the

40 elector's precinct polling place on election day.

41 3. If the commissioner is unable to make available

42 to a county precinct the information required of an

43 eligible elector who registers through special late

44 registration procedures, on the election register of a

45 county precinct or through the provision of a separate

46 listing of the eligible electors who register through

47 special late registration procedures, an eligible

48 elector may obtain from the commissioner of

49 registration a form of affidavit prescribed by the

50 state commissioner of elections to serve as evidence

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1 of special late registration. If the affidavit is  
2 completed by the elector and notarized by the  
3 commissioner of registration or an employee of the  
4 commissioner, the elector is deemed registered under  
5 special late registration procedures and may present  
6 the affidavit at the elector's polling place as proof  
7 that the elector is registered to vote. The election  
8 officials of the elector's precinct shall accept the  
9 elector's affidavit of special late registration and  
10 shall proceed as if the elector's name were listed in  
11 the election register.

12 The election officials shall preserve all  
13 affidavits submitted pursuant to this section and  
14 forward them to the commissioner of registration at  
15 the time the election register is returned. A  
16 registration under this section is subject to

17 verification as provided in section 48A.26.  
18 4. The commissioner may designate the precinct  
19 polling places, in addition to the commissioner's  
20 office, to provide access to special late registration  
21 procedures. If the precinct polling place is  
22 designated as a place to register to vote on election  
23 day, the commissioner or an employee of the  
24 commissioner shall process special late registrations  
25 at a table separate from the precinct election  
26 officials in order to reduce congestion at the polling  
27 place and to avoid discouraging voters from casting a  
28 ballot.

29 Sec. \_\_\_\_ Section 48A.11, subsection 1, paragraph  
30 c, Code 2001, is amended to read as follows:

31 c. The address at which the registrant resides and  
32 claims as the registrant's residence for voting  
33 purposes. The commissioner may require proof of  
34 residency if the registrant is registering pursuant to  
35 section 48A.9A. The state commissioner of elections  
36 shall designate which documents are acceptable to show  
37 proof of residency.

38 Sec. \_\_\_\_ Section 48A.26, subsections 1 and 4,  
39 Code 2001, are amended to read as follows:

40 1. Within seven working days of receipt of a voter  
41 registration form or change of information in a voter  
42 registration record the commissioner shall send an  
43 acknowledgment to the registrant at the mailing  
44 address shown on the registration form. However, in  
45 the case of special late registrations, the  
46 commissioner shall send the acknowledgment within ten  
47 days of receipt of the special late registration. The  
48 acknowledgment shall be sent by nonforwardable mail.

49 4. If the acknowledgment is returned as  
50 undeliverable by the United States postal service, the

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1 commissioner shall follow the procedure described in  
2 section 48A.29, subsection 1. However, if the  
3 acknowledgment mailed for a special late registration  
4 is returned as undeliverable by the postal service,  
5 the commissioner shall cancel the registration and  
6 shall immediately notify the state commissioner of  
7 registration and the county attorney.

8 Sec. \_\_\_\_ Section 48A.26, Code 2001, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 1A. Within ten working days after  
11 receiving a special late registration pursuant to  
12 section 48A.9A, the commissioner shall send an  
13 acknowledgment to the registrant at the mailing  
14 address shown on the registration form. The  
15 acknowledgment shall be sent by nonforwardable mail.

16 Sec. \_\_\_\_ Section 48A.30, subsection 1, Code 2001,  
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. g. The acknowledgment of a voter  
19 who registered to vote under the special late  
20 registration provisions is returned pursuant to  
21 section 48A.29, subsection 1 or 2."

22 2. Page 1, line 5, by inserting after the word  
23 "appears" the following: "if the voter is requesting  
24 to register on election day".

25 3. Page 1, line 7, by inserting after the words  
26 "allowed to" the following: "register to vote and  
27 to".

28 4. Page 1, by inserting after line 7, the  
29 following:

30 "Sec. \_\_\_\_ Section 49.77, Code 2001, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 6. A person whose name does not  
33 appear on the election register of the precinct who  
34 registers under section 48A.9A shall be allowed to  
35 cast a ballot and the precinct election official is  
36 not under a duty to require that the ballot be cast  
37 under section 49.81.

38 Sec. \_\_\_\_ IMPLEMENTATION OF ACT. Section 25B.2,  
39 subsection 3, shall not apply to this Act."

40 5. Title page, line 1, by inserting after the  
41 word "Act" the following: "relating to the conduct of  
42 elections by providing for special late voter  
43 registration on election day, by providing a  
44 durational residency requirement for voting, and by".

45 6. By renumbering as necessary.

MICHAEL E. GRONSTAL

## S-3271

1 Amend Senate File 355 as follows:

2 1. By striking everything after the enacting

3 clause, and inserting the following:

4 "Section 1. NEW SECTION. 232B.1 NEWBORN SAFE

5 HAVEN ACT -- DEFINITIONS.

6 1. This chapter may be cited as the "Newborn Safe  
7 Haven Act".

8 2. For the purposes of this chapter, unless the  
9 context otherwise requires:

10 a. "Institutional health facility" means a  
11 hospital as defined in section 135B.1, including a  
12 facility providing medical or health services that is  
13 open twenty-four hours per day, seven days per week  
14 and is a hospital emergency room, or a health care  
15 facility as defined in section 135C.1.

16 b. "Newborn infant" means a child who is, or who  
17 appears to be, fourteen days of age or younger.

18 Sec. 2. NEW SECTION. 232B.2 NEWBORN INFANT

19 CUSTODY RELEASE PROCEDURES.

20 1. A parent of a newborn infant who has not  
21 suffered bodily harm may voluntarily release custody  
22 of the newborn infant by relinquishing physical  
23 custody of the newborn infant, without expressing an  
24 intent to again assume physical custody, at an  
25 institutional health facility or by authorizing  
26 another person to relinquish physical custody on the  
27 parent's behalf. If physical custody of the newborn  
28 infant is not relinquished directly to an individual  
29 on duty at the institutional health facility, the  
30 parent may take other actions to be reasonably sure  
31 that an individual on duty is aware that the newborn  
32 infant has been left at the institutional health  
33 facility. The actions may include but are not limited  
34 to making telephone contact with the institutional  
35 health facility or a 911 service. For the purposes of  
36 this chapter and for any judicial proceedings  
37 associated with the newborn infant, a rebuttable  
38 presumption arises that the person who relinquishes  
39 physical custody at an institutional health facility  
40 in accordance with this section is the newborn  
41 infant's parent or has relinquished physical custody  
42 with the parent's authorization.

43 2. a. Unless the parent or other person  
44 relinquishing physical custody of a newborn infant  
45 clearly expresses an intent to return to again assume  
46 physical custody of the newborn infant, an individual  
47 on duty at the facility at which physical custody of  
48 the newborn infant was relinquished pursuant to  
49 subsection 1 shall take physical custody of the  
50 newborn infant. The individual on duty may request

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1 the parent or other person to provide the name of the  
2 parent or parents and information on the medical  
3 history of the newborn infant and the newborn infant's  
4 parent or parents. However, the parent or other  
5 person is not required to provide the names or medical  
6 history information to comply with this section. The  
7 individual on duty may perform reasonable acts  
8 necessary to protect the physical health or safety of  
9 the newborn infant. The individual on duty and the  
10 institutional health facility in which the individual  
11 was on duty are immune from criminal or civil  
12 liability for any acts or omissions made in good faith  
13 to comply with this section.

14 b. If the physical custody of the newborn infant  
15 is relinquished at an institutional health facility,  
16 the state shall reimburse the institutional health  
17 facility for the institutional health facility's  
18 actual expenses in providing care to the newborn  
19 infant and in performing acts necessary to protect the  
20 physical health or safety of the newborn infant. The  
21 reimbursement shall be paid from moneys appropriated  
22 for this purpose to the department of human services.

23 c. The individual on duty or other person  
24 designated by the institutional health facility at  
25 which physical custody of the newborn infant was  
26 relinquished shall submit the certificate of birth  
27 report as required pursuant to section 144.14.

28 3. As soon as possible after the individual on  
29 duty assumes physical custody of a newborn infant  
30 released under subsection 1, the individual shall  
31 notify the department of human services and the  
32 department shall take the actions necessary to assume  
33 the care, control, and custody of the newborn infant.  
34 The department shall immediately notify the juvenile  
35 court and the county attorney of the department's  
36 action and the circumstances surrounding the action  
37 and request an ex parte order from the juvenile court  
38 ordering, in accordance with the requirements of  
39 section 232.78, the department to take custody of the  
40 newborn infant. Upon receiving the order, the  
41 department shall take custody of the newborn infant.  
42 Within twenty-four hours of taking custody of the  
43 newborn infant, the department shall notify the  
44 juvenile court and the county attorney in writing of  
45 the department's action and the circumstances  
46 surrounding the action.

47 4. a. Upon being notified in writing by the  
48 department under subsection 3, the county attorney  
49 shall file a petition alleging the newborn infant to  
50 be a child in need of assistance in accordance with

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1 section 232.87 and a petition for termination of  
2 parental rights with respect to the newborn infant in  
3 accordance with section 232.111, subsection 2,  
4 paragraph "a". A hearing on a child in need of  
5 assistance petition filed pursuant to this subsection  
6 shall be held at the earliest practicable time. A  
7 hearing on a termination of parental rights petition  
8 filed pursuant to this subsection shall be held no  
9 later than thirty days after the day the physical  
10 custody of the newborn child was relinquished in  
11 accordance with subsection 1 unless the juvenile court  
12 continues the hearing beyond the thirty days for good  
13 cause shown.

14 b. Notice of a petition filed pursuant to this  
15 subsection shall be provided to any known parent and  
16 others in accordance with the provisions of chapter  
17 232 and shall be served upon any putative father  
18 registered with the state registrar of vital  
19 statistics pursuant to section 144.12A. In addition,  
20 prior to holding a termination of parental rights  
21 hearing with respect to the newborn infant, notice by  
22 publication shall be provided as described in section  
23 600A.6, subsection 5.

24 5. Reasonable efforts, as defined in section  
25 232.102, that are made in regard to the newborn infant  
26 shall be limited to the efforts made in a timely  
27 manner to finalize a permanency plan for the newborn  
28 infant.

29 6. An individual on duty at an institutional  
30 health facility who assumes custody of a newborn  
31 infant upon the release of the newborn infant under  
32 subsection 1 shall be provided notice of any hearing  
33 held concerning the newborn infant at the same time  
34 notice is provided to other parties to the hearing and  
35 the individual may provide testimony at the hearing.

36 Sec. 3. NEW SECTION. 232B.3 IMMUNITY.

37 Any person authorized by the parent to assist with  
38 release of custody in accordance with section 232B.2  
39 by relinquishing physical custody of the newborn  
40 infant or to otherwise act on the parent's behalf is  
41 immune from criminal prosecution for abandonment or  
42 neglect of the newborn infant under section 726.3 or  
43 726.6 and civil liability for any reasonable acts or  
44 omissions made in good faith in assisting with the  
45 release.

46 Sec. 4. NEW SECTION. 232B.4 RIGHTS OF PARENTS.

47 Either parent of a newborn infant whose custody was  
48 released in accordance with section 232B.2, may  
49 intervene in the child in need of assistance or  
50 termination of parental rights proceedings held

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1 regarding the newborn infant and request that the  
2 juvenile court grant custody of the newborn infant to  
3 the parent. The requester must show by clear and  
4 convincing evidence that the requester is the parent  
5 of the newborn infant. If the court determines that  
6 the requester is the parent of the newborn infant and  
7 that granting custody of the newborn infant to the  
8 parent is in the newborn infant's best interest, the  
9 court shall issue an order granting custody of the  
10 newborn infant to the parent. In addition to such  
11 order, the court may order services for the newborn  
12 infant and the parent as are in the best interest of  
13 the newborn infant.

14 Sec. 5. NEW SECTION. 232B.5 CONFIDENTIALITY  
15 PROTECTIONS.

16 1. In addition to any other privacy protection  
17 established in law, a record that is developed,  
18 acquired, or held in connection with an individual's  
19 good faith effort to voluntarily release a newborn  
20 infant in accordance with this chapter and any  
21 identifying information concerning the individual  
22 shall be kept confidential. Such record shall not be  
23 inspected or the contents disclosed except as provided  
24 in this section.

25 2. A record described in subsection 1 may be  
26 inspected and the contents disclosed without court  
27 order to the following:

- 28 a. The court and professional court staff,  
29 including juvenile court officers.
- 30 b. The newborn infant and the newborn infant's  
31 counsel.
- 32 c. The newborn infant's parent, guardian,  
33 custodian, and those persons' counsel.
- 34 d. The newborn infant's court-appointed special  
35 advocate and guardian ad litem.
- 36 e. The county attorney and the county attorney's  
37 assistants.
- 38 f. An agency, association, facility, or  
39 institution which has custody of the newborn infant,  
40 or is legally responsible for the care, treatment, or  
41 supervision of the newborn infant.
- 42 g. The newborn infant's foster parent or an  
43 individual providing preadoptive care to the newborn  
44 infant.

45 3. Pursuant to court order a record described in  
46 subsection 1 may be inspected by and the contents may  
47 be disclosed to any of the following:

- 48 a. A person conducting bona fide research for  
49 research purposes under whatever conditions the court  
50 may deem proper, provided that no personal identifying

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1 data shall be disclosed to such a person.

2 b. Persons who have a direct interest in a  
3 proceeding or in the work of the court.

4 4. Any person who knowingly discloses, receives,  
5 or makes use or permits the use of information derived  
6 directly or indirectly from such a record or discloses  
7 identifying information concerning such individual,  
8 except as provided by this section, commits a serious  
9 misdemeanor.

10 Sec. 6. NEW SECTION. 232B.6 EDUCATIONAL AND  
11 PUBLIC INFORMATION.

12 The department of human services, in consultation  
13 with the Iowa department of public health and the  
14 department of justice, shall develop and distribute  
15 the following:

16 1. An information card or other publication for  
17 distribution by an institutional health facility to a  
18 parent who releases custody of a newborn infant in  
19 accordance with this chapter. The publication shall  
20 inform the parent of a parent's rights under section  
21 232B.4, explain the request for medical history  
22 information under section 232B.2, subsection 2, and  
23 provide other information deemed pertinent by the  
24 departments.

25 2. Educational materials, public information  
26 announcements, and other resources to develop  
27 awareness of the availability of the newborn safe  
28 haven Act, among adolescents, young parents, and  
29 others who might avail themselves of the Act.

30 3. Signage that may be used to identify the  
31 institutional health facilities at which physical  
32 custody of a newborn infant may be relinquished in  
33 accordance with this chapter.

34 Sec. 7. Section 232.2, subsection 6, Code 2001, is  
35 amended by adding the following new paragraph:  
36 NEW PARAGRAPH. p. Who is a newborn infant whose  
37 parent has voluntarily released custody of the child  
38 in accordance with chapter 232B.

39 Sec. 8. Section 232.111, subsection 2, paragraph  
40 a, subparagraph (3), Code 2001, is amended to read as  
41 follows:

42 (3) The child is less than twelve months of age  
43 and has been judicially determined to meet the  
44 definition of abandonment of a child or the child is a  
45 newborn infant whose parent has voluntarily released  
46 custody of the child in accordance with chapter 232B.

47 Sec. 9. Section 232.116, subsection 1, Code 2001,  
48 is amended by adding the following new paragraph:  
49 NEW PARAGRAPH. bb. The court finds that there is  
50 clear and convincing evidence that the child is a

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1 newborn infant whose parent has voluntarily released  
2 custody of the child in accordance with chapter 232B.  
3 Sec. 10. Section 232.117, Code 2001, is amended by  
4 adding the following new subsection:

5 NEW SUBSECTION. 9. If a termination of parental  
6 rights order is issued on the grounds that the child  
7 is a newborn infant whose parent has voluntarily  
8 released custody of the child under section 232.116,  
9 subsection 1, paragraph "bb", the court shall retain  
10 jurisdiction to change a guardian or custodian and to  
11 allow a parent whose rights have been terminated to  
12 request vacation or appeal of the termination order  
13 which request must be made within thirty days of  
14 issuance of the granting of the termination order.  
15 The period for request for vacation or appeal by a  
16 parent whose rights have been terminated shall not be  
17 waived or extended and a vacation or appeal shall not  
18 be granted for a request made after the expiration of  
19 this period. The court shall grant the vacation  
20 request only if it is in the best interest of the  
21 child. The supreme court shall prescribe rules to  
22 establish the period of thirty days, which shall not  
23 be waived or extended, in which a parent whose  
24 parental rights have been terminated may request a  
25 vacation or appeal of such a termination order.

26 Sec. 11. Section 726.3, Code 2001, is amended to  
27 read as follows:

28 726.3 NEGLECT OR ABANDONMENT OF A DEPENDENT  
29 PERSON.

30 A person who is the father, mother, or some other  
31 person having custody of a child, or of any other  
32 person who by reason of mental or physical disability  
33 is not able to care for the person's self, who  
34 knowingly or recklessly exposes such person to a  
35 hazard or danger against which such person cannot  
36 reasonably be expected to protect such person's self  
37 or who deserts or abandons such person, knowing or  
38 having reason to believe that the person will be  
39 exposed to such hazard or danger, commits a class "C"  
40 felony. However, a parent or person authorized by the  
41 parent who has, in accordance with section 232B.2,  
42 voluntarily released custody of a newborn infant who  
43 has not suffered bodily harm shall not be prosecuted  
44 for a violation of this section involving abandonment  
45 of that newborn infant.

46 Sec. 12. Section 726.6, Code 2001, is amended by  
47 adding the following new subsection:

48 NEW SUBSECTION. 1A. A parent or person authorized  
49 by the parent who has, in accordance with section  
50 232B.2, voluntarily released custody of a newborn

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1 infant who has not suffered bodily harm shall not be  
2 prosecuted for a violation of this section involving  
3 abandonment of that newborn infant.  
4 Sec. 13. EFFECTIVE DATE. This Act, being deemed  
5 of immediate importance, takes effect upon enactment."  
6 2. Title page, by striking lines 1 through 6 and  
7 inserting the following: "An Act providing for the  
8 release of custody and termination of parental rights  
9 for certain newborn infants whose parent or person  
10 authorized to act on the parent's behalf relinquishes  
11 physical custody at certain health facilities and  
12 providing certain immunity from prosecution and civil  
13 liability for such parent or person, establishing  
14 confidentiality protections and a penalty, and  
15 providing an effective date."

NANCY BOETTGER

### S-3272

1 Amend Senate File 342 as follows:  
2 1. Page 1, line 7, by striking the word "may" and  
3 inserting the following: "~~may~~ shall".

STEVEN D. HANSEN

### S-3273

1 Amend Senate File 505 as follows:  
2 1. Page 1, line 32, by inserting after the word  
3 "term." the following: "The county board of health  
4 may delegate its appointment authority to the local  
5 community empowerment area board or designate the area  
6 board to act as the community review committee in a  
7 manner and with members determined by the area board."  
8 2. Page 1, line 33, by striking the word "shall"  
9 and inserting the following: "may".  
10 3. Page 2, by striking lines 9 and 10 and  
11 inserting the following: "that county. A committee  
12 shall have full access to".  
13 4. Page 4, line 5, by striking the words  
14 "physicians or other" and inserting the following:  
15 "physicians, other".  
16 5. Page 4, by striking lines 23 and 24.  
17 6. By renumbering as necessary.

MAGGIE TINSMAN  
DAVID MILLER  
NANCY BOETTGER

JOHN REDWINE  
JOHNIE HAMMOND

**S-3274**

- 1 Amend Senate File 500 as follows:  
2 1. Page 4, line 19, by inserting before the word  
3 "claim" the following: "clean".

DONALD B. REDFERN

**S-3275**

- 1 Amend House File 324, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 19, by striking the words  
4 "improvement, or repair or maintenance" and inserting  
5 the following: "or improvement".  
6 2. Page 3, line 3, by striking the words  
7 "improvement, or repair or maintenance" and inserting  
8 the following: "or improvement".  
9 3. Page 4, line 19, by inserting after the figure  
10 "384.96" the following: ", as modified by the bid  
11 threshold subcommittee pursuant to section 314.1B.".  
12 4. Page 4, line 23, by inserting after the words  
13 "excess of" the following: "a threshold of".  
14 5. Page 4, line 23, by inserting after the word  
15 "dollars." the following: "as modified by the bid  
16 threshold subcommittee pursuant to section 314.1B.".  
17 6. By striking page 4, line 35, through page 5,  
18 line 15, and inserting the following: "reject any or  
19 all bids, or, ~~The agency may readvertise and relet~~  
20 ~~the project without conducting an additional public~~  
21 ~~hearing if no substantial changes are made to the~~  
22 ~~project's plans or specifications. The agency may let~~  
23 by private contract or build by day labor, at a cost  
24 not in excess of the lowest bid received."  
25 7. Page 6, by inserting after line 9 the  
26 following:  
27 "Sec. \_\_\_\_ NEW SECTION. 314.1B BID THRESHOLD  
28 SUBCOMMITTEE -- ADJUSTMENTS -- NOTICE.  
29 1. The director of the department shall appoint,  
30 from the members of the advisory committee established  
31 under section 314.1A, a bid threshold subcommittee.  
32 The subcommittee shall consist of seven members, three  
33 of whom shall be representatives of local public  
34 sector agencies, three of whom shall be  
35 representatives of private sector contractor  
36 organizations, and with the remaining member being the  
37 director or the director's designee, who shall serve  
38 as chairperson of the subcommittee. A vacancy in the

39 membership of the subcommittee shall be filled by the  
40 director.

41 2. a. The subcommittee shall review the  
42 competitive bid thresholds applicable to city and  
43 county highway, bridge, and culvert projects. The  
44 subcommittee shall review price adjustments for all  
45 types of city and county highway, bridge, and culvert  
46 construction, reconstruction, and improvement  
47 projects, based on changes in the construction price  
48 index from the preceding year. Upon completion of the  
49 review the subcommittee may make adjustments in the  
50 applicable bid thresholds for types of work based on

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1 the price adjustments.

2 b. A bid threshold shall not be adjusted to an  
3 amount that is less than the bid threshold applicable  
4 to a city or county on the effective date of this  
5 section of this Act, as provided in section 73A.18,  
6 309.40, 310.14, 314.1, or 384.96. An adjusted bid  
7 threshold shall take effect as provided in subsection  
8 3, and shall remain in effect until a new adjusted bid  
9 threshold is established and becomes effective as  
10 provided in this section.

11 3. The subcommittee shall meet to conduct the  
12 review and make the adjustments described in this  
13 section on or before August 1 of every other year, or  
14 of every year if determined necessary by the  
15 subcommittee, with the first meeting occurring on or  
16 before August 1, 2002. By September 1 of each year in  
17 which the subcommittee makes adjustments in the bid  
18 thresholds, the director shall cause an advisory  
19 notice to be published in the Iowa administrative  
20 bulletin and in a newspaper of general circulation in  
21 this state, stating the adjusted bid thresholds to be  
22 in effect on January 1 of the following year, as  
23 established by the subcommittee under this section."

24 8. Page 6, by striking lines 10 through 24.

25 9. Page 7, line 6, by inserting after the word  
26 "USE" the following: "-- RULES".

27 10. Page 7, by striking lines 7 through 12 and  
28 inserting the following:

29 "\_\_\_\_. The rules adopted by the department pursuant  
30 to section 314.1A, as enacted in this Act, shall be in  
31 draft form prior to December 31, 2001, and shall  
32 specifically define the terms "construction",  
33 "reconstruction", "improvement", and "repair or  
34 maintenance" as such terms relate to highway, bridge,  
35 and culvert projects."

36 11. Page 7, line 14, by striking the word  
37 "purchase" and inserting the following:

38 "procurement".

39 12. Page 7, line 18, by striking the word  
40 "purchase" and inserting the following:

41 "procurement".

42 13. Page 7, line 21, by striking the word  
43 "purchasing" and inserting the following:

44 "procurement".

45 14. Page 7, by inserting before line 23, the  
46 following:

47 "Sec. 101. DISPLACEMENT OF EMPLOYEES -- OTHER  
48 EMPLOYMENT -- RECALL. If a city or county employee is  
49 displaced from employment as a result of a city's or  
50 county's compliance with the provisions of this

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1 division of this Act, which enact section 314.1,  
2 subsection 2, and amend section 314.1, unnumbered  
3 paragraph 2, and redesignate that unnumbered paragraph  
4 as section 314.1, subsection 3, the city or county  
5 shall offer the displaced employee other available  
6 employment with the city or county, as applicable. A  
7 city or county employee who is placed in such other  
8 employment or who elected to be laid off shall be  
9 eligible for recall to the position held by the  
10 employee at the time of displacement. This provision  
11 shall not supersede the provisions of any applicable  
12 collective bargaining agreement."

13 15. Page 7, by inserting after line 30, the  
14 following:

15 "\_\_\_\_. The provision enacting section 314.1B.

16 \_\_\_\_\_. Section 101 of this Act relating to the  
17 displacement of employees."

18 16. By renumbering, redesignating, and correcting  
19 internal references as necessary.

RICHARD F. DRAKE  
JOHN P. KIBBIE  
SHELDON RITTMER  
DICK L. DEARDEN

**S-3276**

1 Amend House File 324, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 23, by inserting after line 23 the  
4 following:

5 "Sec. \_\_\_\_\_. NEW SECTION. 306.46 EFFECT ON ACCESS  
6 TO POLITICAL SUBDIVISION.

7 In the construction, reconstruction, improvement,  
8 or maintenance of any highway under its jurisdiction,  
9 the department shall not close all paved highway

10 access to a municipality without providing and  
 11 maintaining adequate and well-marked detours that  
 12 minimize the economic impact on the municipality due  
 13 to the closure of the paved highway access. The  
 14 department shall coordinate a highway construction,  
 15 reconstruction, improvement, or maintenance project  
 16 that involves the closure of paved highway access to a  
 17 municipality to allow the establishment of a schedule  
 18 for the project that will minimize the economic impact  
 19 on the municipality as a result of the project."  
 20 2. By renumbering, redesignating, and correcting  
 21 internal references as necessary.

MARK SHEARER

**S-3277**

1 Amend Senate File 224 as follows:  
 2 1. Page 1, by inserting after line 25 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Rule of civil procedure 122, Iowa court  
 5 rules, third edition, is amended by adding the  
 6 following new paragraph:  
 7 NEW PARAGRAPH. bb. TRUST INFORMATION. The court  
 8 may, in its discretion, order a trustee to provide, on  
 9 behalf of the trust, information including, but not  
 10 limited to, trust documents and financial statements,  
 11 relating to any beneficial interest a party to the  
 12 pending action may have in the trust.  
 13 Sec. \_\_\_\_ . Rule of civil procedure 253, paragraph  
 14 a, Iowa court rules, third edition, is amended to read  
 15 as follows:  
 16 a. PETITION. A petition for relief under R.C.P.  
 17 252 must be filed and served in the original action  
 18 within one year after the entry of the judgment or  
 19 order involved. It A petition for relief under R.C.P.  
 20 252 shall state the grounds for relief, and, if it  
 21 seeks a new trial, show that they were not and could  
 22 not have been, discovered in time to proceed under  
 23 R.C.P. 236 or 244. If the pleadings in the original  
 24 action did not allege a meritorious action or defense  
 25 the petition shall do so. It shall be supported by  
 26 affidavit as provided in R.C.P. 80(c).  
 27 (1) A petition for relief under R.C.P. 252,  
 28 paragraph (a), (c), (d), (e), or (f), must be filed  
 29 and served in the original action within one year  
 30 after the entry of the judgment or order involved.  
 31 (2) In a petition for relief on the ground of  
 32 irregularity or fraud under R.C.P. 252, paragraph (b),  
 33 the cause of action shall not be deemed to have  
 34 accrued until the irregularity or fraud complained of  
 35 shall have been discovered by the party aggrieved. In

36 such actions, the burden of proof shall be upon the  
 37 petitioner to prove by a preponderance of the evidence  
 38 the alleged irregularity or fraud."

39 2. Title page, line 1, by inserting after the  
 40 words "relating to" the following: "certain civil  
 41 proceedings,".

42 3. Title page, line 4, by inserting after the  
 43 word "order" the following: ", and certain court rule  
 44 modifications".

JOANN JOHNSON

### S-3278

1 Amend the amendment, S-3259, to Senate File 503 as  
 2 follows:

3 1. Page 1, line 30, by striking the words "at  
 4 least" and inserting the following: "up to".

5 2. Page 1, line 38, by striking the words "at  
 6 least" and inserting the following: "up to".

JOHN P. KIBBIE

### S-3279

1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 7, the  
 4 following:

5 "Sec. \_\_\_\_ Section 717A.1, subsection 2, paragraph  
 6 a, Code 2001, is amended to read as follows:

7 a. Willfully destroy property of an animal  
 8 facility, or ~~kill or~~ injure an animal maintained at an  
 9 animal facility, including by an act of violence or  
 10 the transmission of a disease including but not  
 11 limited to any disease designated by the department of  
 12 agriculture and land stewardship pursuant to section  
 13 163.2.

14 Sec. \_\_\_\_ Section 717A.1, subsection 2, paragraph  
 15 c, subparagraph (2), Code 2001, is amended to read as  
 16 follows:

17 (2) ~~Injure~~ Kill or injure an animal maintained at  
 18 the animal facility."

19 2. Page 4, line 14, by striking the word "The"  
 20 and inserting the following: "~~The~~ This".

SANDRA GREINER

**S-3280**

1 Amend Senate File 503 as follows:  
2 1. Page 1, by inserting after line 26, the  
3 following:  
4 "Sec. \_\_\_\_ Section 455B.204, subsection 1, Code  
5 2001, is amended by adding the following new paragraph  
6 after paragraph a:  
7 NEW PARAGRAPH. aa. "One-hundred-year floodplain"  
8 means the land adjacent to a watercourse which may be  
9 inundated by a flood, the magnitude of which has a one  
10 percent chance of being equaled or exceeded in any  
11 year.  
12 Sec. \_\_\_\_ Section 455B.204, subsection 2, Code  
13 2001, is amended by adding the following new paragraph  
14 after paragraph b:  
15 NEW PARAGRAPH. bb. An animal feeding operation  
16 structure shall not be constructed on land which is  
17 located in a one-hundred-year floodplain."  
18 2. By renumbering as necessary.

MARY A. LUNDBY

**S-3281**

1 Amend Senate File 353 as follows:  
2 1. Page 6, by inserting after line 8, the  
3 following:  
4 "f. The other party has habitually abused drugs or  
5 alcohol."

JACK HOLVECK

**S-3282**

1 Amend Senate File 353 as follows:  
2 1. Page 6, by inserting after line 8, the  
3 following:  
4 "f. The parties both agree to a dissolution of  
5 marriage."

JACK HOLVECK

**S-3283**

1 Amend House File 560, as passed by the House, as  
2 follows:  
3 1. Page 1, by striking lines 18 through 25 and  
4 inserting the following:  
5 "NEW SUBSECTION. 10. The department shall adopt  
6 rules to administer the exception to the definition of

7 child care in section 237A.1, subsection 3, paragraph  
 8 "m", allowing a child care facility, for purposes of  
 9 providing respite care to a foster family home, to  
 10 provide care, supervision, or guidance of a child for  
 11 a period of twenty-four hours or more who is placed  
 12 with the licensed foster family home.

13 Sec. \_\_\_\_. Section 237A.1, subsection 3, Code 2001,  
 14 is amended by adding the following new paragraph:  
 15 NEW PARAGRAPH. m. A child care facility providing  
 16 respite care to a licensed foster family home for a  
 17 period of twenty-four hours or more to a child who is  
 18 placed with that licensed foster family home."

19 2. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES  
 JOHN REDWINE, Chair

### S-3284

1 Amend Senate 514 as follows:

2 1. Page 15, line 19, by striking the word "sixty-  
 3 nine" and inserting the following: "one hundred ten".

4 2. Page 15, line 27, by striking the word "forty-  
 5 eight" and inserting the following: "eighty-nine".

6 3. Page 15, line 35, by striking the word  
 7 "twenty-six" and inserting the following: "sixty-  
 8 seven".

LARRY McKIBBEN

### S-3285

1 Amend Senate File 429 as follows:

2 1. Page 1, by inserting after line 9 the  
 3 following:

4 "Sec. \_\_\_\_. Section 476.96, Code 2001, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 3A. "Essential facilities"  
 7 includes essential facilities as defined in section  
 8 476.100, subsection 2, and also includes all  
 9 telecommunications facilities, features, functions, or  
 10 capabilities of a local exchange carrier's network  
 11 constituting network infrastructure investments  
 12 required by section 476.97, subsection 11, paragraph  
 13 "e", subparagraph (3), subparagraph subdivision (b)."

14 2. By renumbering as necessary.

STEVEN D. HANSEN  
 JOHN REDWINE  
 O. GENE MADDOX  
 ROBERT E. DVORSKY

MARK SHEARER  
JOE BOLKCOM

**S-3286**

1 Amend House File 341, as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting after line 14, the  
4 following:  
5 "3A. "Facility that provides pregnancy options  
6 counseling" means a facility, organization, agency, or  
7 other person that advises women about pregnancy  
8 options by telephone, audiotape, or in person."  
9 2. Page 1, by inserting after line 32, the  
10 following:  
11 "1A. Any facility or agent of a facility that  
12 provides pregnancy options counseling to women shall  
13 provide medically and factually accurate and objective  
14 information about pregnancy options to a woman,  
15 including the options of carrying the pregnancy to  
16 term, adoption, and abortion. If a woman requests  
17 additional information about any particular option,  
18 the facility shall provide medically and factually  
19 accurate and objective written information or a  
20 referral to the woman."

ROBERT E. DVORSKY

**S-3287**

1 Amend House File 341 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 1, by striking line 3, and inserting the  
4 following: ""State Mandated Information and Waiting  
5 Period for Abortion Act".  
6 2. Title page, line 1, by striking the words  
7 "informed consent to" and inserting the following:  
8 "state mandated information and a waiting period for".

PATRICIA HARPER

**S-3288**

1 Amend House File 341, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 28, by striking the words "unborn  
4 child" and inserting the following: "fetus".  
5 2. Page 3, lines 16 and 17, by striking the words  
6 "unborn child" and inserting the following: "fetus".  
7 3. Page 3, line 21, by striking the words "unborn  
8 child" and inserting the following: "fetus".

- 9 4. Page 3, line 22, by striking the words  
10 "unborn child" and inserting the following: "fetus".  
11 5. Page 3, line 24, by striking the words "unborn  
12 child" and inserting the following: "fetus".  
13 6. Page 3, line 28, by striking the words "unborn  
14 child" and inserting the following: "fetus".  
15 7. Page 3, lines 33 and 34, by striking the words  
16 "unborn child" and inserting the following: "fetus".

BETTY A. SOUKUP

**S-3289**

- 1 Amend Senate File 429 as follows:  
2 1. Page 1, by striking lines 25 through 34, and  
3 inserting the following: "for a period of five years.  
4 (c) The local exchange carrier shall file, at the  
5 time of each price change, a network infrastructure  
6 investment plan for investing the additional revenue  
7 generated by the price change, which plan shall  
8 include all of the following:  
9 (i) A calculation of the network infrastructure  
10 commitment required by this subparagraph (3).  
11 (ii) A detailed statement of the specific  
12 telecommunications facilities, features, functions, or  
13 capabilities to which such network infrastructure  
14 commitment applies.  
15 (iii) A detailed statement of any and all purposes  
16 for which such infrastructure will be utilized by the  
17 local exchange carrier.  
18 (iv) Such other information as the board may  
19 require.  
20 (d) The board, after notice and opportunity for  
21 hearing, may approve, modify, or reject the plan  
22 submitted under subparagraph subdivision (c). If the  
23 plan is rejected, all additional revenue generated by  
24 such price change shall be refunded with interest to  
25 customers affected by the price change.  
26 (e) Subsequent to the rate change filing, the  
27 local exchange carrier shall annually file a report  
28 with the board demonstrating that the local exchange  
29 carrier has complied with this subparagraph (3) and  
30 any requirements imposed by the board as a result of  
31 the board's review of the network infrastructure  
32 investment plans submitted by the local exchange  
33 carrier under subparagraph subdivision (c).  
34 (f) The local exchange carrier may invest the  
35 aggregate five-year incremental investment required  
36 under subparagraph subdivision (b) in any specific  
37 year or years of the period, but the total investment  
38 commitment must be completed within the five-year  
39 period."

40 2. By renumbering, relettering, redesignating,  
41 and correcting internal references as necessary.

JOHN REDWINE  
STEVEN D. HANSEN  
O. GENE MADDOX  
ROBERT E. DVORSKY  
JOE BOLKCOM  
DONALD B. REDFERN

### S-3290

1 Amend Senate File 105 as follows:  
2 1. Page 1, line 7, by striking the word  
3 "benefits" and inserting the following: "the total  
4 monetary value of all employee benefits for each job  
5 classification".  
6 2. Page 1, by striking line 35 and inserting the  
7 following: "compensation including wages, salaries,  
8 base pay, overtime pay, additional duty pay, bonuses,  
9 and any earned leave paid at the time of separation."  
10 3. Page 2, line 1 by striking the words "all  
11 employee benefits" and inserting the following: "Each  
12 employer of a public employee shall also itemize the  
13 total monetary value of all employee benefits for each  
14 job classification of public employee".  
15 4. Page 2, by striking line 5 and inserting the  
16 following: "reimbursement, employee assistance plans,  
17 educational leaves, and retirement plans. Public  
18 employee personnel information shall define the method  
19 used to arrive at the valuation of employee benefits  
20 for each public employee job classification. "Public  
21 employee"".   
22 5. Page 2, by inserting after line 7 the  
23 following:  
24 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act takes effect  
25 on July 1, 2002."  
26 6. Title page, line 2, by inserting after the  
27 word "compensation" the following: "and providing an  
28 effective date".

STEVE KING  
MARY LOU FREEMAN

### S-3291

1 Amend Senate File 475 as follows:  
2 1. Page 1, by striking lines 3 through 9, and  
3 inserting the following:  
4 "3. That ~~unmarked or~~ improperly marked ballots  
5 will not be counted if it is impossible to determine

- 6 the voter's intent."  
 7 2. Page 1, line 18, by striking the word "If" and  
 8 inserting the following: "However, if".  
 9 3. Page 1, line 31, by inserting after the figure  
 10 "49.97," the following: "and section 52.37".  
 11 4. By striking page 1, line 35, through page 2,  
 12 line 3, and inserting the following: "When there is a  
 13 conflict".  
 14 5. Page 2, by striking line 13, and inserting the  
 15 following: "49.97 and section 52.37. A ballot shall  
 16 not be rejected counted if the voter used a mark to".  
 17 6. Page 2, line 33, by inserting before the word  
 18 "The" the following: "The ballots that contain valid  
 19 votes that cannot be read by the vote tabulating  
 20 equipment shall be reviewed and duplicated, if  
 21 necessary, so that the vote tabulating equipment can  
 22 count them."  
 23 7. Page 2, line 35, by inserting after the figure  
 24 "49.97," the following: "and section 52.37".  
 25 8. Page 2, line 35, by inserting after the word  
 26 "otherwise," the following: "All duplicate ballots  
 27 shall be clearly labeled as such, and shall bear a  
 28 serial number which shall also be recorded on the  
 29 original ballot."  
 30 9. Page 2, by inserting after line 35, the  
 31 following:  
 32 "Sec. \_\_\_. Section 52.37, subsection 2, unnumbered  
 33 paragraph 3, Code 2001, is amended to read as follows:  
 34 The tabulating equipment shall be programmed to  
 35 sort blank ballots and overvoted ballots for  
 36 examination by the resolution board. Ballots which  
 37 are ~~rejected~~ sorted by the tabulating equipment as  
 38 blank because they have been marked with an unreadable  
 39 marker shall be duplicated or tabulated as required by  
 40 this subsection for damaged or defective ballots. The  
 41 commissioner may instruct the resolution board to mark  
 42 over voters' unreadable marks using a marker  
 43 compatible with the tabulating equipment. The  
 44 resolution board shall take care to leave part of the  
 45 original mark made by the voter. If it is impossible  
 46 to mark over the original marks made by the voter  
 47 without completely obliterating them, the ballot shall  
 48 be duplicated. Ballots which are sorted by the  
 49 tabulating equipment as blank shall be duplicated or  
 50 tabulated as required by this subsection for damaged

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- 1 or defective ballots if at least twenty-five percent  
 2 of the required mark is made within the voting target  
 3 on the ballot for a candidate and no other mark is  
 4 made on the ballot for any other candidate for that

5 office. If a ballot is sorted by the tabulating  
6 equipment as an overvote because a voting mark has  
7 been erased from one voting target and a clear and  
8 distinct voting mark has been made in another voting  
9 target for the same office, the clear and distinct  
10 mark shall be considered a valid vote and the ballot  
11 shall be duplicated so that it can be counted by the  
12 tabulating equipment."

13 10. By renumbering as necessary.

STEVE KING

**S-3292**

1 Amend Senate File 429 as follows:  
2 1. Page 1, by striking lines 16 through 34 and  
3 inserting the following:  
4 "Sec. \_\_\_\_. Section 476.97, subsection 11,  
5 paragraph e, subparagraph (3), Code 2001, is amended  
6 by adding the following new subparagraph subdivisions:  
7 NEW SUBPARAGRAPH SUBDIVISION. (a) The aggregate  
8 revenue weighted prices for switched access services  
9 shall not exceed the switched access prices charged by  
10 rural Iowa independent telephone companies as of  
11 December 31, 2000.  
12 NEW SUBPARAGRAPH SUBDIVISION. (b) Local exchange  
13 carriers electing to make price changes to nonbasic  
14 communications services under this subparagraph (3)  
15 shall make additional network infrastructure  
16 investments in advanced telecommunications services,  
17 including high-speed internet services, that on an  
18 annual or cumulative basis equal any additional  
19 revenue generated by each price change made under this  
20 subparagraph (3) for a period of five years.  
21 NEW SUBPARAGRAPH SUBDIVISION. (c) Advanced  
22 telecommunications services provided as part of the  
23 additional network investments under subparagraph  
24 subdivision (b) shall be made available on an  
25 equivalent basis to all customers in the service area  
26 of the local exchange carrier.  
27 NEW SUBPARAGRAPH SUBDIVISION. (d) The local  
28 exchange carrier shall file, at the time of each price  
29 change, a calculation of the network infrastructure  
30 investment commitment required by this subparagraph  
31 (3).  
32 NEW SUBPARAGRAPH SUBDIVISION. (e) Subsequent to  
33 the rate change filing, the local exchange carrier  
34 shall annually file a report with the board  
35 demonstrating that the local exchange carrier has  
36 complied with this subparagraph (3).  
37 NEW SUBPARAGRAPH SUBDIVISION. (f) The local  
38 exchange carrier may invest the aggregate five-year

39 incremental investment required under subparagraph  
 40 subdivision (b) in any specific year or years of the  
 41 period, but the total investment commitment must be  
 42 completed within the five-year period.  
 43 NEW SUBPARAGRAPH SUBDIVISION. (g) The board shall  
 44 annually evaluate the impact of a rate change under  
 45 this subparagraph (3) on customers and ratepayers,  
 46 including but not limited to evaluation of rates and  
 47 services, and if the board determines that the overall  
 48 impact is contrary to the interest of Iowa consumers,  
 49 the board may either:  
 50 (i) Prohibit further price changes, reinstate the

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1 price limitation previously imposed under this  
 2 subparagraph (3), and void any investment requirements  
 3 and any other related requirements under this  
 4 subparagraph (3).  
 5 (ii) Allow other rate-regulated local exchange  
 6 carriers to participate in an equivalent five-year  
 7 plan."  
 8 2. Page 2, by inserting after line 6 the  
 9 following:  
 10 "Sec. \_\_\_\_ REPEAL -- CONTINGENCY. This Act is  
 11 repealed effective June 30, 2006, except as provided  
 12 in section 100 of this Act. Upon repeal, the Code  
 13 editor shall delete from the Code new language added  
 14 to the Code by this Act and restore to the Code  
 15 language deleted by this Act.  
 16 Sec. 100. DIRECTIVE TO THE BOARD -- EXTENSION OF  
 17 REPEAL. If the utilities board adopts rules pursuant  
 18 to this Act that permit other rate-regulated local  
 19 exchange carriers to participate in equivalent five-  
 20 year plans involving price changes and network  
 21 investments, the board shall take appropriate action  
 22 as necessary to extend the June 30, 2006, repeal date  
 23 to allow completion of all such five-year plans under  
 24 the provisions of this Act."  
 25 3. By renumbering, redesignating, and correcting  
 26 internal references as necessary.

STEVE KING  
 JOHN P. KIBBIE

### S-3293

1 Amend the amendment, S-3292, to Senate File 429, as  
 2 follows:  
 3 1. Page 2, by inserting after line 7 the  
 4 following:  
 5 "NEW SUBPARAGRAPH SUBDIVISION. (h) Notwithstanding

6 the provisions of this paragraph "e" and paragraph "h"  
7 to the contrary, the board may consider, and require,  
8 a local exchange carrier to adjust the carrier's  
9 average rates for basic communications service to  
10 generate a sum equal to the total price change  
11 generated under this subparagraph (3), after the  
12 carrier has completed the first year of a five-year  
13 plan under this subparagraph (3)."  
14 2. By renumbering, redesignating, and correcting  
15 internal references as necessary.

MICHAEL E. GRONSTAL

### S-3294

1 Amend the amendment, S-3292, to Senate File 429 as  
2 follows:  
3 1. Page 1, by inserting after line 20 the  
4 following:  
5 "NEW SUBPARAGRAPH SUBDIVISION. (c) The local  
6 exchange carrier shall file, at the time of each price  
7 change, a network infrastructure investment plan for  
8 investing the additional revenue generated by the  
9 price change, which plan shall include all of the  
10 following:  
11 (i) A calculation of the network infrastructure  
12 commitment required by this subparagraph (3).  
13 (ii) A detailed statement of the specific  
14 telecommunications facilities, features, functions, or  
15 capabilities to which such network infrastructure  
16 commitment applies.  
17 (iii) A detailed statement of any and all purposes  
18 for which such infrastructure will be utilized by the  
19 local exchange carrier.  
20 (iv) Such other information as the board may  
21 require.  
22 NEW SUBPARAGRAPH SUBDIVISION. (d) The board,  
23 after notice and opportunity for hearing, may approve,  
24 modify, or reject the plan submitted under  
25 subparagraph subdivision (c). If the plan is  
26 rejected, all additional revenue generated by such  
27 price change shall be refunded with interest to  
28 customers affected by the price change."  
29 2. By renumbering, redesignating, and correcting  
30 internal references as necessary.

JOHN REDWINE

**S-3295**

- 1 Amend House File 581, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking lines 21 through 27.  
 4 2. Title page, line 2, by striking the words "and  
 5 requesting an interim study".

COMMITTEE ON AGRICULTURE  
 DERRYL McLAREN, Chair

**S-3296**

- 1 Amend House File 561, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1, the  
 4 following:  
 5 "Section 1. Section 321.234A, Code 2001, is  
 6 amended by striking the section and inserting in lieu  
 7 thereof the following:  
 8 321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY  
 9 FLAG REQUIRED.  
 10 1. All-terrain vehicles shall be operated on a  
 11 highway only between sunrise and sunset and only when  
 12 the operation on the highway is incidental to the  
 13 vehicle's use for agricultural purposes. A person  
 14 operating an all-terrain vehicle on a highway shall  
 15 have a valid driver's license and the vehicle shall be  
 16 operated at speeds of thirty-five miles per hour or  
 17 less.  
 18 2. A person convicted of a violation of this  
 19 section is guilty of a simple misdemeanor punishable  
 20 as a scheduled violation under section 805.8,  
 21 subsection 4, paragraph "b."  
 22 2. Page 1, by inserting after line 2, the  
 23 following:  
 24 "Sec. \_\_\_\_\_. Section 321G.13, subsection 12, Code  
 25 2001, is amended to read as follows:  
 26 12. A person shall not operate an all-terrain  
 27 vehicle while carrying ~~a passenger~~ more passengers  
 28 than the all-terrain vehicle is designed to carry.  
 29 Sec. \_\_\_\_\_. Section 805.8, subsection 4, paragraph  
 30 b, Code 2001, is amended to read as follows:  
 31 b. For operating violations under section 321G.9,  
 32 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11,  
 33 and 321G.13, ~~subsections 4 and 9~~ subsection 4, the  
 34 scheduled fine is twenty dollars. For violations of  
 35 section 321.234A, the scheduled fine is one hundred  
 36 dollars."  
 37 3. Title page, by striking line 1, and inserting  
 38 the following: "An Act modifying prohibitions  
 39 relating to the operation of an".

- 40 4. Title page, lines 2 and 3, by striking the  
 41 words "when operating on a public road or street."  
 42 5. By renumbering as necessary.

COMMITTEE ON NATURAL  
 RESOURCES AND ENVIRONMENT  
 MIKE SEXTON, Chair

### S-3297

- 1 Amend House File 73, as passed by the House, as  
 2 follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. NEW SECTION. 35A.12 MILITARY  
 6 VETERANS HONOR GUARD SERVICES.  
 7 An honor guard unit made up of members of a  
 8 recognized military veterans organization as listed in  
 9 section 35A.2 or 37.2 shall be allowed to perform any  
 10 honor guard service on public property."  
 11 2. Title page, by striking lines 1 through 4 and  
 12 inserting the following: "An Act relating to the  
 13 performance of honor guard services on public property  
 14 by recognized military veterans organizations."

COMMITTEE ON STATE GOVERNMENT  
 STEVE KING, Chair

### S-3298

- 1 Amend House File 341 as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 4, line 31, through page 5,  
 4 line 7.  
 5 2. Page 5, line 9, by striking the word "COURT".  
 6 3. Page 5, line 10, by striking the word  
 7 "criminal".  
 8 4. Page 5, line 12, by striking the word "court".  
 9 5. Page 5, by striking lines 14 and 15, and  
 10 inserting the following: "confidential and shall be  
 11 sealed. Individuals shall be excluded from the  
 12 proceedings to".  
 13 6. Page 5, line 19, by striking the word  
 14 "defendant" and inserting the following:  
 15 "respondent".  
 16 7. Page 5, line 21, by striking the word "court".  
 17 8. By renumbering as necessary.

JACK HOLVECK

**S-3299**

- 1 Amend House File 590, as amended, passed and  
2 reprinted by the House, as follows:
- 3 1. Page 1, line 32, by striking the words "  
4 health care provider,".
  - 5 2. Page 2, line 4, by striking the words "  
6 health care provider,".
  - 7 3. Page 2, line 15, by striking the words "health  
8 care provider,".
  - 9 4. Page 2, lines 24 and 25, by striking the words  
10 "health care provider,".
  - 11 5. Page 2, lines 28 and 29, by striking the words  
12 "health care provider,".
  - 13 6. Page 2, by inserting after line 31, the  
14 following:  
15 "d. Notwithstanding any other provision of law to  
16 the contrary, a care provider may transmit cautions  
17 regarding contagious or infectious disease information  
18 in the course of the care provider's duties over the  
19 police radio broadcasting system under chapter 693 or  
20 any other radio-based communications system, if the  
21 information transmitted does not personally identify  
22 an individual or the contagious or infectious  
23 disease."
  - 24 7. Page 2, line 34, by striking the words "health  
25 care provider,".
  - 26 8. Page 5, line 23, by striking the words "  
27 health care provider,".
  - 28 9. Page 5, line 30, by striking the words "  
29 health care provider,".
  - 30 10. Page 6, line 7, by striking the words "health  
31 care provider,".
  - 32 11. Page 6, lines 16 and 17, by striking the  
33 words "health care provider,".
  - 34 12. Page 6, lines 20 and 21, by striking the  
35 words "health care provider,".
  - 36 13. Page 6, line 25, by striking the words  
37 "health care provider,".
  - 38 14. Page 6, line 31, by striking the words  
39 "health care provider,".

COMMITTEE ON HUMAN RESOURCES  
JOHN REDWINE, Chair

**S-3300**

- 1 Amend Senate File 32 as follows:
- 2 1. Page 1, by striking lines 14 through 16 and  
3 inserting the following: "November 5, 2002."
  - 4 2. Title page, line 2, by striking the word

5 "effective" and inserting the following:  
6 "applicability".

SHELDON RITTMER  
MICHAEL E. GRONSTAL  
STEWART IVERSON, JR.

### S-3301

1 Amend House File 623, as passed by the House, as  
2 follows:  
3 1. Page 1, line 7, by striking the words "by the  
4 court" and inserting the following: "if the term of  
5 confinement is suspended".  
6 2. Page 1, line 12, by striking the words "by the  
7 court" and inserting the following: "if the term of  
8 confinement is suspended".  
9 3. Page 1, line 23, by striking the words "by the  
10 court" and inserting the following: "if the term of  
11 confinement is suspended".

COMMITTEE ON JUDICIARY  
O. GENE MADDOX, Chair

### S-3302

1 Amend House File 680, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, lines 21 and 22, by striking the words  
4 "must have completed" and inserting the following:  
5 "is in compliance with".  
6 2. Page 3, by striking lines 26 through 29 and  
7 inserting the following: "However, the licensing  
8 board may adopt rules providing for waiver or  
9 suspension of the compliance requirements, if the  
10 waiver or suspension is in the public interest,  
11 applicable to a person who is engaged in active duty  
12 in the military service of this state or of the United  
13 States, to a person for whom compliance with the  
14 training requirements would impose a significant  
15 hardship, or to a person who is practicing a licensed  
16 profession outside this state or is otherwise subject  
17 to circumstances that would preclude the person from  
18 encountering child abuse in this state."  
19 3. Page 5, by inserting after line 32 the  
20 following:  
21 "Sec. \_\_\_\_ Section 235B.3, subsection 7,  
22 unnumbered paragraph 1, Code 2001, is amended to read  
23 as follows:  
24 The department shall inform the appropriate county  
25 attorneys of any reports of dependent adult abuse.

26 The department may request information from any person  
 27 believed to have knowledge of a case of dependent  
 28 adult abuse. The person, including but not limited to  
 29 a county attorney, a law enforcement agency, a  
 30 multidisciplinary team, ~~or~~ a social services agency in  
 31 the state, or any person who is required pursuant to  
 32 subsection 2 to report dependent adult abuse, whether  
 33 or not the person made the specific dependent adult  
 34 abuse report, shall cooperate and assist in the  
 35 evaluation upon the request of the department. If the  
 36 department's assessment reveals that dependent adult  
 37 abuse exists which might constitute a criminal  
 38 offense, a report shall be made to the appropriate law  
 39 enforcement agency. County attorneys and appropriate  
 40 law enforcement agencies shall also take any other  
 41 lawful action necessary or advisable for the  
 42 protection of the dependent adult."

43 4. Page 7, line 35, by striking the words "must  
 44 have completed" and inserting the following: "is in  
 45 compliance with".

46 5. Page 8, line 4, by inserting after the word  
 47 "requirements," the following: "However, the  
 48 licensing board may adopt rules providing for waiver  
 49 or suspension of the compliance requirements, if the  
 50 waiver or suspension is in the public interest,"

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1 applicable to a person who is engaged in active duty  
 2 in the military service of this state or of the United  
 3 States, to a person for whom compliance with the  
 4 training requirements would impose a significant  
 5 hardship, or to a person who is practicing a licensed  
 6 profession outside this state or is otherwise subject  
 7 to circumstances that would preclude the person from  
 8 encountering dependent adult abuse in this state."

COMMITTEE ON HUMAN RESOURCES  
 JOHN REDWINE, Chair

**S-3303**

1 Amend House File 598, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 6 through 10, and  
 4 inserting the following: "requirements for the grant  
 5 program and shall award grants. A grant may be used".

COMMITTEE ON HUMAN RESOURCES  
 JOHN REDWINE, Chair

**S-3304**

1 Amend the amendment, S-3297, House File 73, as  
 2 passed by the House, as follows:  
 3 1. Page 1, by inserting after line 10, the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 483A.27, Code 2001, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 11. A hunter safety and ethics  
 8 instructor certified by the department shall be  
 9 allowed to conduct an approved hunter safety and  
 10 ethics education course on public school property or  
 11 other public property in this state. The conduct of  
 12 an approved hunter safety and ethics education course  
 13 is not a violation of any public policy, rule,  
 14 regulation, resolution, or ordinance which prohibits  
 15 the possession, display, or use of a firearm, bow and  
 16 arrow, or other hunting weapon on public school  
 17 property or other public property in this state."  
 18 2. Page 1, by striking lines 13 and 14 and  
 19 inserting the following: "possession, display, or use  
 20 of firearms or other weapons on public property for  
 21 educational purposes and the performance of honor  
 22 guard services."

STEVE KING  
 JOHN P. KIBBIE  
 SHELDON RITTMER  
 DENNIS H. BLACK  
 RICHARD F. DRAKE  
 JOHN W. JENSEN  
 WALLY E. HORN  
 SANDRA GREINER  
 DERRYL McLAREN  
 MIKE SEXTON  
 STEVEN D. HANSEN  
 JEFF ANGELO  
 MATT McCOY  
 DICK L. DEARDEN  
 LARRY McKIBBEN  
 NANCY BOETTGER  
 KEN VEENSTRA  
 MARY LOU FREEMAN  
 MERLIN E. BARTZ  
 DAVID MILLER  
 MARK SHEARER  
 TOM FLYNN  
 BILL FINK  
 JEFF LAMBERTI  
 THOMAS FIEGEN  
 MARK ZIEMAN  
 BETTY A. SOUKUP

PAUL MCKINLEY  
 MARY E. KRAMER  
 JERRY BEHN

**S-3305**

- 1 Amend House File 229, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 3, line 27, through page 7,  
 4 line 25.  
 5 2. Title page, lines 2 and 3, by striking the  
 6 words "a restitution lien for supervision fees and  
 7 for".

COMMITTEE ON JUDICIARY  
 O. GENE MADDOX, Chair

**S-3306**

- 1 Amend House File 637, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 5, by inserting after line 2, the  
 4 following:  
 5 "Sec. \_\_\_\_ NEW SECTION. 256.57 ENRICH IOWA  
 6 PROGRAM FUNDS DISTRIBUTION.  
 7 1. An enrich Iowa program is established to  
 8 provide direct state assistance to eligible public  
 9 libraries as an incentive to improve library services  
 10 and reduce inequities among communities in the  
 11 delivery of library services based on recognized and  
 12 adopted performance measures. Funds appropriated by  
 13 the general assembly for purposes of the enrich Iowa  
 14 program shall be distributed by the division of  
 15 libraries and information services to eligible public  
 16 libraries that are in compliance with performance  
 17 measures adopted by rule by the commission. The  
 18 amount distributed to each eligible public library  
 19 shall be based upon the following:  
 20 a. The level of compliance by the eligible public  
 21 library with the performance measures adopted by rule  
 22 by the commission.  
 23 b. The number of people residing within an  
 24 eligible public library's geographic service area for  
 25 whom the library provides services.  
 26 c. The amount of other funding the eligible public  
 27 library received in the previous fiscal year for  
 28 providing services to rural residents and to  
 29 contracting communities.  
 30 2. For purposes of this section, "eligible public  
 31 library" means a public library that meets all of the  
 32 following requirements:

- 33 a. Submits to the division a report in accordance  
34 with section 256.51, subsection 1, paragraph "h", an  
35 application and accreditation report, in a format  
36 approved by the commission, that provides evidence of  
37 the library's compliance with at least one level of  
38 the standards established in accordance with section  
39 256.51, subsection 1, paragraph "k", and any other  
40 application or report the division deems necessary for  
41 the implementation of the enrich Iowa program.
- 42 b. Participates in the library resource and  
43 information sharing programs established by the state  
44 library.
- 45 c. Is a public library established by city  
46 ordinance or a library as provided in chapter 336.
- 47 d. Has an internet use policy in place, which may  
48 or may not include internet filtering, and submits a  
49 report describing the library's internet use efforts  
50 to the division.

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- 1 3. Funds appropriated for purposes of the enrich  
2 Iowa program shall not be used for the costs of  
3 administration by the division.
- 4 4. Moneys received by an eligible public library  
5 pursuant to this section shall be used to supplement,  
6 not supplant, any other funding received by the  
7 library. Each eligible public library shall maintain  
8 a separate listing within its budget for payments  
9 received and expenditures made pursuant to this  
10 section, and shall annually submit the listing to the  
11 division."
- 12 2. Page 5, by striking line 7, and inserting the  
13 following: "~~A regional library system is~~ Library  
14 service areas are".
- 15 3. Page 8, by inserting after line 9, the  
16 following:  
17 "Sec. \_\_\_. Section 256.66, Code 2001, is amended  
18 by adding the following new subsection:  
19 **NEW SUBSECTION. 14.** Shall assume all of the  
20 outstanding obligations of the regional library and be  
21 liable for and recognize, assume, and carry out all  
22 valid contracts and obligations of the regional  
23 library that the library service area replaces. Each  
24 regional library in existence prior to July 1, 2001,  
25 shall transfer its assets and title to any real estate  
26 owned by the regional library to the library service  
27 area that replaces the regional library."
- 28 4. Page 16, by inserting after line 11, the  
29 following:  
30 "Sec. \_\_\_. Section 669.2, subsection 5, Code 2001,  
31 is amended to read as follows:

32 5. "State agency" includes all executive  
 33 departments, agencies, boards, bureaus, and  
 34 commissions of the state of Iowa, and corporations  
 35 whose primary function is to act as, and while acting  
 36 as, instrumentalities or agencies of the state of  
 37 Iowa, whether or not authorized to sue and be sued in  
 38 their own names. This definition does not include a  
 39 contractor with the state of Iowa. Soil and water  
 40 conservation districts as defined in section 161A.3,  
 41 subsection 6, judicial district departments of  
 42 correctional services as established in section 905.2,  
 43 and regional library service area boards of library  
 44 trustees as defined established in chapter 256, are  
 45 state agencies for purposes of this chapter.  
 46 Sec. \_\_\_\_ DEPARTMENT OF MANAGEMENT STUDY. The  
 47 department of management shall coordinate a study of  
 48 city and county support of public library funding.  
 49 The department, in cooperation with the commission of  
 50 libraries, the Iowa league of cities, and the Iowa

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1 state association of counties, shall determine whether  
 2 cities and counties are in compliance with section  
 3 256.69 requirements for support of public libraries,  
 4 identify inequities between city and county funding,  
 5 and determine the adequacy of the current minimum  
 6 levy. The department shall develop a plan to provide  
 7 those support functions and services more effectively  
 8 and efficiently. The department shall submit a report  
 9 of its findings and recommendations to the  
 10 chairpersons and ranking members of the senate and  
 11 house standing committees on education and the joint  
 12 appropriations subcommittee on education."  
 13 5. By renumbering as necessary.

COMMITTEE ON EDUCATION  
 NANCY BOETTGER, Chair

### S-3307

1 Amend Senate File 417 as follows:  
 2 1. Page 1, by inserting after line 25 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 602.1215, subsection 1, Code  
 5 2001, is amended to read as follows:  
 6 1. The district judges of each judicial election  
 7 district shall by majority vote appoint persons to  
 8 serve as clerks of the district court, one for each  
 9 county within the judicial election district. A  
 10 person does not qualify for appointment to the office  
 11 of clerk of the district court unless the person is at

12 ~~the time of application a resident of the state.~~  
 13 Within three months of appointment the clerk of the  
 14 district court must establish residence and physically  
 15 reside in the ~~county~~ state. A clerk of the district  
 16 court may be removed from office for cause by a  
 17 majority vote of the district judges of the judicial  
 18 election district. Before removal, the clerk of the  
 19 district court shall be notified of the cause for  
 20 removal."

JACK HOLVECK

### S-3308

- 1 Amend House File 519, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by striking lines 5 through 8.  
 4 2. Page 3, line 17, by striking the words  
 5 "~~personally or~~" and inserting the following:  
 6 "personally or".  
 7 3. By renumbering as necessary.

JACK HOLVECK

### S-3309

- 1 Amend the amendment, S-3296, to House File 561, as  
 2 passed by the House, as follows:  
 3 1. Page 1, by striking lines 26 through 28 and  
 4 inserting the following:  
 5 "12. A person shall not operate an all-terrain  
 6 vehicle while carrying a passenger if the all-terrain  
 7 vehicle has no passenger designation. However, a  
 8 person may operate an all-terrain vehicle while  
 9 carrying up to the number of passengers for which the  
 10 all-terrain vehicle is designed."

MERLIN E. BARTZ

### S-3310

- 1 Amend Senate File 515 as follows:  
 2 1. Page 1, by inserting after line 29 the  
 3 following:  
 4 "(  ) Sanitary and storm sewer service."  
 5 2. Page 1, by striking line 30, and inserting the  
 6 following:  
 7 "(  ) Water by piped system."  
 8 3. Page 2, line 8, by striking the words "such  
 9 person's" and inserting the following: "the railroad  
 10 corporation's".

- 11 4. Page 2, line 10, by inserting after the word  
 12 "one" the following: "or more".  
 13 5. Page 2, line 24, by inserting after the word  
 14 "either" the following: "or both".  
 15 6. Page 3, line 30, by striking the word  
 16 "construction" and inserting the following:  
 17 "crossing".  
 18 7. Page 4, line 11, by striking the words  
 19 "construction of the facilities" and inserting the  
 20 following: "crossing".  
 21 8. By renumbering, redesignating, and correcting  
 22 internal references as necessary.

MICHAEL E. GRONSTAL  
 STEWART IVERSON, JR.

### S-3311

- 1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, by inserting after line 7, the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 717A.1, subsection 2, paragraph  
 6 a, Code 2001, is amended to read as follows:  
 7 a. Willfully destroy property of an animal  
 8 facility, or ~~kill or~~ injure an animal maintained at an  
 9 animal facility, including by an act of violence or  
 10 the transmission of a disease including but not  
 11 limited to any disease designated by the department of  
 12 agriculture and land stewardship pursuant to section  
 13 163.2.  
 14 Sec. \_\_\_\_ Section 717A.1, subsection 2, paragraph  
 15 c, subparagraph (2), Code 2001, is amended to read as  
 16 follows:  
 17 (2) ~~Injure~~ Kill or injure an animal maintained at  
 18 the animal facility."  
 19 2. Page 4, line 14, by striking the word "The"  
 20 and inserting the following: "The This".

SANDRA GREINER

### S-3312

- 1 Amend House File 519, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by striking lines 5 through 8.  
 4 2. Page 2, line 34, by striking the words  
 5 "~~personally or~~" and inserting the following:  
 6 "personally or".  
 7 3. Page 3, line 17, by striking the words  
 8 "~~personally or~~" and inserting the following:

- 9 "personally or".  
 10 4. By renumbering as necessary.

JACK HOLVECK

**S-3313**

- 1 Amend House File 637, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 6, line 31, by striking the word and  
 4 figure "section 69.16" and inserting the following:  
 5 "sections 69.16 and 69.16A".  
 6 2. Page 6, by striking lines 32 and 33.

PATRICIA HARPER  
 JOHNIE HAMMOND  
 ROBERT E. DVORSKY  
 MATT McCOY  
 STEVEN D. HANSEN  
 BILL FINK  
 EUGENE S. FRAISE  
 JOHN P. KIBBIE  
 BETTY A. SOUKUP  
 E. THURMAN GASKILL  
 JACK HOLVECK  
 MARY LOU FREEMAN  
 MARY A. LUNDBY  
 WALLY E. HORN  
 MIKE CONNOLLY  
 MERLIN E. BARTZ  
 MARK SHEARER  
 MICHAEL E. GRONSTAL  
 DICK L. DEARDEN  
 DERRYL McLAREN  
 O. GENE MADDOX  
 THOMAS FIEGEN  
 TOM FLYNN  
 DENNIS H. BLACK  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 MAGGIE TINSMAN

**S-3314**

- 1 Amend House File 567, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by inserting after line 16, the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 600.3, subsection 2, Code 2001,  
 6 is amended by adding the following new paragraph:  
 7 NEW PARAGRAPH. c. A termination of parental

8 rights order is not required prior to the filing of an  
9 adoption petition if the adoption is a standby  
10 adoption as defined in section 600.14A.

11 Sec. 2. Section 600.6, Code 2001, is amended by  
12 adding the following new subsection:

13 NEW SUBSECTION. 5. In the case of a standby  
14 adoption as defined in section 600.14A, a form  
15 completed by the terminally ill parent consenting to  
16 termination of parental rights and adoption of the  
17 child by a person or persons specified in the consent  
18 form, effective at a future date when the terminally  
19 ill parent of the child has died or requests that a  
20 final adoption decree be issued.

21 Sec. 3. Section 600.13, subsection 1, Code 2001,  
22 is amended by adding the following new paragraph after  
23 paragraph "b" and relettering the subsequent  
24 paragraph:

25 NEW PARAGRAPH. bb. Issue a standby adoption  
26 decree pursuant to section 600.14A.

27 Sec. 4. NEW SECTION. 600.14A STANDBY ADOPTION.

28 1. As used in this section:

29 a. "Standby adoption" means an adoption in which a  
30 terminally ill parent consents to termination of  
31 parental rights and the issuance of a final adoption  
32 decree effective upon the occurrence of a future  
33 event, which is either the death of the terminally ill  
34 parent or the request of the parent for the issuance  
35 of a final adoption decree.

36 b. "Terminally ill parent" means an individual who  
37 has a medical prognosis by a licensed physician that  
38 the individual has an incurable and irreversible  
39 condition which will lead to death.

40 2. A terminally ill parent may consent to  
41 termination of parental rights and adoption of a child  
42 under a standby adoption if the other parent of the  
43 child is not living or the other parent has previously  
44 had the parent's parental rights terminated.

45 3. A person who meets the qualifications to file  
46 an adoption petition pursuant to section 600.4 may  
47 file a petition for standby adoption. A standby  
48 adoption shall comply with the requirements of  
49 sections 600.7 through 600.12. However, the court may  
50 order that the completion of placement investigations

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1 and reports be expedited based on the circumstances of  
2 a particular case. The court may waive the minimum  
3 residence period requirement pursuant to section  
4 600.10 to expedite the standby adoption if necessary.

5 4. If a consent to a standby adoption is attached  
6 to an adoption petition pursuant to section 600.6, the

7 court determines that the requirements of this chapter  
 8 relative to a standby adoption are met, and the court  
 9 determines that the standby adoption is in the best  
 10 interest of the child to be adopted, the court shall  
 11 issue a standby adoption decree or a final adoption  
 12 decree. However, the terminally ill parent's parental  
 13 rights shall not be terminated and the standby  
 14 adoption shall not be finalized until the death of the  
 15 terminally ill parent or the request of the terminally  
 16 ill parent for issuance of the final adoption decree.

17 5. A standby adoption decree shall become final  
 18 upon notice of the death of the terminally ill parent  
 19 or upon the terminally ill parent's request that a  
 20 final adoption decree be issued. If the court  
 21 determines at the time of the notice or request that  
 22 the standby adoption is still in the best interest of  
 23 the child, the court shall issue a final adoption  
 24 decree."

25 2. Title page, line 1, by inserting after the  
 26 word "Act" the following: "relating to adoption  
 27 including providing for standby adoptions and".

28 3. By renumbering as necessary.

STEVEN D. HANSEN  
 JERRY BEHN

### S-3315

1 Amend House File 643, as amended, passed, and  
 2 reprinted by the House, as follows:

- 3 1. Page 4, by striking lines 8 through 13.
- 4 2. By renumbering as necessary.

MIKE CONNOLLY

### S-3316

1 Amend House File 180, as amended, passed, and  
 2 reprinted by the House, as follows:

- 3 1. Page 1, by inserting after line 32 the  
 4 following:

5 "Sec. \_\_\_\_ Rule of civil procedure 122, Iowa court  
 6 rules, third edition, is amended by adding the  
 7 following new paragraph:

8 NEW PARAGRAPH. bb. TRUST INFORMATION. The court  
 9 may, in its discretion, order a trustee to provide, on  
 10 behalf of the trust, information including, but not  
 11 limited to, trust documents and financial statements,  
 12 relating to any beneficial interest a party to the  
 13 pending action may have in the trust.

14 Sec. \_\_\_\_ Rule of civil procedure 253, paragraph

15 a, Iowa court rules, third edition, is amended to read  
16 as follows:

17 a. PETITION. ~~A petition for relief under R.C.P.~~  
18 ~~252 must be filed and served in the original action~~  
19 ~~within one year after the entry of the judgment or~~  
20 ~~order involved. It~~ A petition for relief under R.C.P.  
21 252 shall state the grounds for relief, and, if it  
22 seeks a new trial, show that they were not and could  
23 not have been, discovered in time to proceed under  
24 R.C.P. 236 or 244. If the pleadings in the original  
25 action did not allege a meritorious action or defense  
26 the petition shall do so. It shall be supported by  
27 affidavit as provided in R.C.P. 80(c).

28 (1) A petition for relief under R.C.P. 252,  
29 paragraph (a), (c), (d), (e), or (f), must be filed  
30 and served in the original action within one year  
31 after the entry of the judgment or order involved.

32 (2) In a petition for relief on the ground of  
33 irregularity or fraud under R.C.P. 252, paragraph (b),  
34 the cause of action shall not be deemed to have  
35 accrued until the irregularity or fraud complained of  
36 shall have been discovered by the party aggrieved. In  
37 such actions, the burden of proof shall be upon the  
38 petitioner to prove by a preponderance of the evidence  
39 the alleged irregularity or fraud."

40 2. Title page, line 1, by inserting after the  
41 words "relating to" the following: "certain civil  
42 proceedings,".

43 3. Title page, line 4, by inserting after the  
44 word "order" the following: ", and certain court rule  
45 modifications".

JOANN JOHNSON

### S-3317

1 Amend House File 356, as passed by the House, as  
2 follows:

3 1. Page 4, by inserting after line 31, the  
4 following:

5 "Sec. \_\_\_\_ Section 668.13, subsection 3, Code 2001,  
6 is amended to read as follows:

7 3. Interest shall be calculated as of the date of  
8 judgment at a rate equal to the ~~coupon issue yield~~  
9 ~~equivalent, as determined by the United States~~  
10 ~~secretary of the treasury, of the average accepted~~  
11 ~~auction price for the last auction of fifty-two week~~  
12 ~~United States treasury bills~~ treasury constant  
13 maturity index published by the federal reserve in the  
14 H15 Report settled immediately prior to the date of  
15 the judgment plus two percent. The state court  
16 administrator shall distribute notice monthly of that

17 rate and any changes to that rate to all district  
18 courts."

LARRY McKIBBEN

**S-3318**

1 Amend House File 643, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 256.7, subsection 21,  
6 paragraph c, Code 2001, is amended to read as follows:  
7 c. A requirement that all school districts and  
8 accredited nonpublic schools annually report to the  
9 department and the local community the district-wide  
10 progress made in attaining student achievement goals  
11 on the academic and other core indicators and the  
12 district-wide progress made in attaining locally  
13 established student learning goals. The school  
14 districts and accredited nonpublic schools shall  
15 demonstrate the use of multiple assessment measures in  
16 determining student achievement levels. A school  
17 district shall offer alternatives to traditional  
18 standardized testing in alternative options education  
19 schools and programs in order to assess the actual  
20 performance level of students in those schools and  
21 programs. Students in alternative options education  
22 schools and programs who elect to participate in  
23 traditional standardized testing, as provided at other  
24 attendance centers in the district, shall be provided  
25 the opportunity to participate in the traditional  
26 standardized testing. The school districts and  
27 accredited nonpublic schools may report on other  
28 locally determined factors influencing student  
29 achievement. The school districts and accredited  
30 nonpublic schools shall also report to the local  
31 community their results by individual attendance  
32 center."

33 2. Page 3, by inserting after line 27 the  
34 following:

35 "Sec. \_\_\_\_ . Section 257.11, subsection 4, paragraph  
36 a, Code 2001, is amended to read as follows:  
37 a. In order to provide additional funding to  
38 school districts for programs serving at-risk pupils  
39 in grades nine through twelve and alternative school  
40 pupils in secondary schools, a supplementary weighting  
41 plan for at-risk pupils is adopted. A supplementary  
42 weighting of forty-eight ten-thousandths per pupil  
43 shall be assigned to the percentage of pupils in a  
44 school district enrolled in grades one through six, as  
45 reported by the school district on the basic

46 educational data survey for the base year, who are  
 47 eligible for free and reduced price meals under the  
 48 federal National School Lunch Act and the federal  
 49 Child Nutrition Act of 1966, 42 U.S.C. } 1751-1785,  
 50 multiplied by the budget enrollment in the school

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1 district; and a supplementary weighting of one hundred  
 2 fifty-six one-hundred-thousandths per pupil shall be  
 3 assigned to pupils included in the budget enrollment  
 4 of the school district. Amounts received as  
 5 supplementary weighting for at-risk pupils shall be  
 6 utilized by a school district to develop or maintain  
 7 at-risk pupils' programs, which may include  
 8 alternative school programs.

9 Sec. \_\_\_\_ Section 257.11, subsection 6, Code 2001,  
 10 is amended to read as follows:

11 6. a. PUPILS INELIGIBLE. A Except as provided in  
 12 paragraph "b", a pupil eligible for the weighting plan  
 13 provided in section 256B.9 is not eligible for  
 14 supplementary weighting pursuant to this section. A  
 15 pupil attending an alternative program or an at-risk  
 16 pupils' program, including alternative high school  
 17 programs, is not eligible for supplementary weighting  
 18 under subsection 2.

19 b. PUPILS ELIGIBLE. At-risk pupils enrolled in  
 20 alternative schools or classes organized by  
 21 cooperating school districts are eligible for  
 22 supplementary weighting under subsection 2."

23 3. By renumbering as necessary.

WALLY E. HORN

### S-3319

- 1 Amend House File 579 as passed by the House as  
 2 follows:  
 3 1. Page 1, by striking lines 1 through 11.  
 4 2. By renumbering as necessary.

JOE BOLKCOM

### S-3320

- 1 Amend House File 519, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 1, line 26, through page 2,  
 4 line 4.  
 5 2. Title page, line 1, by striking the words  
 6 "qualifications and".

ANDY McKEAN  
 DAVID MILLER  
 BETTY A. SOUKUP  
 THOMAS FIEGEN

**S-3321**

1 Amend House File 582, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, line 34, by inserting after the word  
 4 "served" the following: "by regular mail".  
 5 2. Page 6, by inserting after line 3, the  
 6 following:  
 7 "Sec. \_\_\_\_ Section 368.11, unnumbered paragraph 2,  
 8 Code 2001, is amended to read as follows:  
 9 Within thirty days of receipt of a petition, the  
 10 board of supervisors of each county where the  
 11 territory is located shall approve or disapprove the  
 12 petition. The county auditor shall immediately notify  
 13 the city development board of the county's decision.  
 14 Within ninety days of receipt of a ~~petition~~  
 15 notification from the county, the city development  
 16 board shall initiate appropriate proceedings or  
 17 dismiss the petition. The board may combine for  
 18 consideration petitions or plans which concern the  
 19 same territory or city or which provide for a boundary  
 20 adjustment or incorporation affecting common  
 21 territory. The combined petitions may be submitted  
 22 for consideration by a special local committee  
 23 pursuant to section 368.14A."  
 24 3. Page 6, by inserting after line 17, the  
 25 following:  
 26 "Sec. \_\_\_\_ Section 368.16, Code 2001, is amended  
 27 by adding the following new subsection:  
 28 NEW SUBSECTION. 8. Whether the board of  
 29 supervisors approved or disapproved the petition."  
 30 4. Page 6, line 22, by inserting after the word  
 31 "after" the following: "full".  
 32 5. By renumbering, relettering, or redesignating  
 33 and correcting internal references as necessary.

COMMITTEE ON LOCAL GOVERNMENT  
 DAVID MILLER, Chair

**S-3322**

1 Amend House File 341 as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 14, the  
 4 following:  
 5 "\_\_\_\_. "Medically accurate" relating to information

- 6 and materials provided by the state under this chapter  
 7 means that all of the information and materials  
 8 provided are verified or supported by the weight of  
 9 research conducted in compliance with accepted  
 10 scientific methods and published in peer-reviewed  
 11 journals, where appropriate, and are recognized as  
 12 accurate and objective by leading professional  
 13 organizations and agencies with expertise in  
 14 reproductive health services, such as the American  
 15 college of obstetricians and gynecologists, the  
 16 American medical association, or the centers for  
 17 disease control and prevention of the United States  
 18 department of health and human services."  
 19 2. Page 1, line 35, by inserting after the word  
 20 "following" the following: "medically accurate".  
 21 3. Page 2, line 29, by inserting after the word  
 22 "shall" the following: "be medically accurate and  
 23 shall".  
 24 4. By renumbering as necessary.

MAGGIE TINSMAN

### S-3323

- 1 Amend House File 341, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. NEW SECTION. 146A.1 INFORMED CONSENT  
 6 -- MEDICAL PROCEDURES.  
 7 1. Except in the case of a medical emergency,  
 8 written consent shall be obtained prior to the  
 9 performance of any medical or surgical procedure or  
 10 course of procedures related to patient care.  
 11 2. Written consent obtained in accordance with all  
 12 of the following creates a presumption that informed  
 13 consent has been obtained:  
 14 a. Information has been provided in general terms  
 15 describing the nature and purpose of the procedure or  
 16 procedures, together with the known risks, if any, of  
 17 death, brain damage, quadriplegia, paraplegia, the  
 18 loss or loss of function of any organ or limb, or  
 19 disfiguring scars associated with the procedure or  
 20 procedures, with the probability of each such risk, if  
 21 reasonably determinable.  
 22 b. The written consent acknowledges that the  
 23 information outlined in paragraph "a" has been  
 24 provided and that all questions asked by the patient  
 25 regarding the procedure or procedures have been  
 26 answered satisfactorily.  
 27 c. The written consent is signed by the patient  
 28 upon whom the procedure or procedures are to be

29 performed, or by the patient's legal representative."  
30 2. Title page, lines 1 and 2, by striking the  
31 following: "to an abortion and providing a criminal  
32 penalty, and providing an effective date".

JOHNIE HAMMOND

### S-3324

1 Amend House File 341, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, by inserting after line 5, the  
4 following:  
5 "aa. Information regarding the risks of carrying  
6 the fetus to term and the risks of delivery."  
7 2. By relettering as necessary.

JOHNIE HAMMOND

### S-3325

1 Amend House File 635, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 13, by inserting after the word  
4 "hours." the following: "This section applies only to  
5 persons employed in the work of removing corn  
6 tassels."

DICK L. DEARDEN

### S-3326

1 Amend House File 341 as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 20, by striking the words "risk  
4 of" and inserting the following: "health risk."  
5 2. Page 1, by striking lines 21 and 22.  
6 3. Page 4, line 28, by striking the words "risk  
7 of" and inserting the following: "health risk."  
8 4. Page 4, by striking lines 29 and 30.

JOE BOLKCOM

### S-3327

1 Amend the amendment, S-3296, to House File 561, as  
2 passed by the House, as follows:  
3 1. Page 1, by striking lines 27 and 28 and  
4 inserting the following: "vehicle on a public highway  
5 while carrying a passenger if the all-terrain vehicle

6 has no passenger designation. However, a person may  
 7 operate an all-terrain vehicle while carrying up to  
 8 the number of passengers for which the all-terrain  
 9 vehicle is designed."

JERRY BEHN  
 TOM FLYNN  
 NANCY BOETTGER

### S-3328

1 Amend the amendment, S-3296, to House File 561, as  
 2 passed by the House, as follows:  
 3 1. Page 1, by striking lines 25 through 28 and  
 4 inserting the following: "2001, is amended by  
 5 striking the subsection."

JERRY BEHN  
 TOM FLYNN  
 NANCY BOETTGER

### S-3329

1 Amend House File 469, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking lines 28 through 31 and  
 4 inserting the following:  
 5 "NEW PARAGRAPH. e. The dealer shall tender to the  
 6 supplier the items described in paragraphs "c" and "d"  
 7 free and clear of all claims, liens, and encumbrances.  
 8 Any such claim, lien, or encumbrance shall transfer to  
 9 the proceeds and be paid in the order and priority  
 10 specified in article 9, part 3, of the uniform  
 11 commercial code."

THOMAS FIEGEN

### S-3330

1 Amend House File 389, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 15, by inserting after the word  
 4 "board" the following: ", which shall not exceed five  
 5 contract days if the board votes to suspend the  
 6 teacher without pay".  
 7 2. Page 1, line 21, by inserting after the word  
 8 "board" the following: ", which shall not exceed five  
 9 contract days if the board votes to suspend the  
 10 teacher without pay".

MIKE CONNOLLY

**S-3331**

1 Amend the amendment, S-3297, to House File 73, as  
2 passed by the House, as follows:

3 1. Page 1, by inserting after line 10, the  
4 following:

5 "Sec. \_\_\_\_ Section 483A.27, Code 2001, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 11. A hunter safety and ethics  
8 instructor certified by the department shall be  
9 allowed to conduct an approved hunter safety and  
10 ethics education course on public school property with  
11 the approval of a majority of the board of directors  
12 of the school district. The conduct of an approved  
13 hunter safety and ethics education course is not a  
14 violation of any public policy, rule, regulation,  
15 resolution, or ordinance which prohibits the  
16 possession, display, or use of a firearm, bow and  
17 arrow, or other hunting weapon on public school  
18 property or other public property in this state."

19 2. Page 1, by striking lines 13 and 14 and  
20 inserting the following: "possession, display, or use  
21 of firearms or other weapons on public property for  
22 educational purposes and the performance of honor  
23 guard services."

TOM FLYNN  
STEVE KING  
DENNIS H. BLACK

**S-3332**

1 Amend House File 341, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 22, the  
4 following:

5 "Sec. \_\_\_\_ NEW SECTION. 146B.1 TITLE.  
6 This chapter shall be known and may be cited as the  
7 "Vasectomy Waiting Period Act".  
8 Sec. \_\_\_\_ NEW SECTION. 146B.2 VASECTOMY --  
9 MANDATORY WAITING PERIOD.

10 1. Except in the case of a medical emergency, a  
11 vasectomy shall not be performed in this state unless  
12 the man upon whom the vasectomy is to be performed  
13 consents to the vasectomy at least twenty-four hours  
14 prior to the performance of the procedure.

15 2. The referring physician, the physician who will  
16 perform the vasectomy, or an agent of either physician  
17 shall provide information to the man, by telephone, by  
18 audiotape, or in person, at least twenty-four hours  
19 before the vasectomy regarding the method, the

20 procedures commonly used, the risks commonly  
 21 associated with each procedure, the possible  
 22 detrimental effects of a vasectomy, and the medical  
 23 risks commonly associated with a vasectomy.  
 24 3. The referring physician, the physician who will  
 25 perform the vasectomy, or an agent of either  
 26 physician, who provides the required information  
 27 pursuant to subsection 2 to the man upon whom the  
 28 vasectomy is to be performed, shall obtain and retain  
 29 written certification from the man that the  
 30 information was provided."  
 31 2. Title page, line 1, by striking the word  
 32 "informed".  
 33 3. Title page, line 1, by inserting after the  
 34 word "abortion" the following: "or a vasectomy".

BETTY A. SOUKUP

### S-3333

1 Amend House File 341, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting before line 1, the  
 4 following:  
 5 "Section 101. NEW SECTION. 2.17A WAITING PERIOD  
 6 -- VOTING.  
 7 It is the intent of the general assembly that each  
 8 vote taken by a member of the general assembly be made  
 9 with the informed consent of the member. In order to  
 10 assure that each vote is taken with informed consent,  
 11 each house of the general assembly shall allow a  
 12 twenty-four hour waiting period between final remarks  
 13 on a bill that is before the house and the final vote  
 14 on the bill."  
 15 2. Page 5, line 23, by striking the word "This"  
 16 and inserting the following: "Sections 1 through 6 of  
 17 this".  
 18 3. Title page, line 1, by striking the words "to  
 19 an abortion".  
 20 4. By renumbering as necessary.

MARK SHEARER

### S-3334

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 324

1 Amend the Senate amendment H-1380, to House File  
 2 324, as amended, passed, and reprinted by the House,

3 as follows:

- 4 1. Page 3, by striking lines 20 through 29 and  
5 inserting the following:  
6 ""Sec. 102. EFFECTIVE DATE. The following".
- 7 2. Page 3, by striking lines 41 through 44 and  
8 inserting the following: "amending section 322A.11,  
9 subsection 2."
- 10 3. Page 3, by striking lines 46 through 48.
- 11 4. By renumbering, redesignating, and correcting  
12 internal references as necessary.

### S-3335

#### HOUSE AMENDMENT TO SENATE FILE 410

- 1 Amend Senate File 410, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 7, and  
4 inserting the following: "directly exhausted to the  
5 outside atmosphere. "Indoor source" includes,".
- 6 2. Page 3, line 14, by striking the word  
7 "Division" and inserting the following: "Except as  
8 provided in section 455B.133, subsection 6, paragraph  
9 "e", division".

### S-3336

#### HOUSE AMENDMENT TO SENATE FILE 433

- 1 Amend Senate File 433, as passed by the Senate, as  
2 follows:
- 3 1. By striking page 2, line 27, through page 3,  
4 line 3.
- 5 2. By renumbering as necessary.

### S-3337

- 1 Amend House File 656, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 8, line 2, by striking the words "three  
4 hundred twenty".
- 5 2. Page 9, line 23, by striking the words "three  
6 hundred twenty".

JOHN W. JENSEN

**S-3338**

1 Amend House File 656, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 7, line 27 by striking the word "seven"  
 4 and inserting the following: "~~seven~~ twenty-two".  
 5 2. Page 7, by striking lines 32 through 35 and  
 6 inserting the following:  
 7 "(3) That the storm shelter exceed the  
 8 ~~construction specifications approved by a licensed~~  
 9 ~~professional engineer and presented by the owner of~~  
 10 ~~the mobile home park~~ minimum standards published in  
 11 Federal Energy Management Agency Publication 361  
 12 Design and Construction Guidance for Community  
 13 Shelters."  
 14 3. Page 9, line 13 by striking the word "seven"  
 15 and inserting the following: "~~seven~~ twenty-two".  
 16 4. Page 9, by striking lines 18 through 21 and  
 17 inserting the following:  
 18 "(3) That the storm shelter exceed the  
 19 ~~construction specifications approved by a licensed~~  
 20 ~~professional engineer and presented by the owner of~~  
 21 ~~the mobile home park~~ minimum standards published in  
 22 Federal Energy Management Agency Publication 361  
 23 Design and Construction Guidance for Community  
 24 Shelters."

JOHN W. JENSEN

**S-3339**

1 Amend Senate File 512 as follows:  
 2 1. Page 1, line 18, by striking the word  
 3 "Refunds" and inserting the following:  
 4 "a. Subject to paragraph "b", refunds".  
 5 2. Page 1, by inserting after line 29, the  
 6 following:  
 7 "b. The limitation on the amount of refunds of  
 8 taxes, interest, or penalties provided in paragraph  
 9 "a" shall not limit the claims for refunds pending on  
 10 the effective date of this Act before the department  
 11 of revenue and finance or the courts of this state.  
 12 Such refunds of taxes, interest, or penalties shall be  
 13 paid in full."

MARY A. LUNDBY

**S-3340**

1 Amend Senate File 514 as follows:  
 2 1. Page 11, by striking line 32, and inserting

- 3 the following: "paragraph "d"."
- 4 2. Page 12, by striking lines 21 through 31.
- 5 3. By striking page 13, line 33, through page 14,  
6 line 24, and inserting the following: "sum of the  
7 amount of property taxes levied for general county  
8 services and the amount of property tax replacement  
9 dollars received, the amount of revenues received  
10 under section 99F.11 that were specifically designated  
11 for property tax relief, and the amount of local sales  
12 and services tax revenues received as property tax  
13 relief and deposited in the general fund, all for the  
14 fiscal year beginning July 1, 1999, times one and  
15 sixty-seven thousandths."
- 16 4. Page 15, by striking lines 10 through 35, and  
17 inserting the following: "the amount of property  
18 taxes levied for rural county services and the amount  
19 of property tax replacement dollars received, the  
20 amount of revenues received under section 99F.11 that  
21 were specifically designated for property tax relief,  
22 and the amount of local sales and services tax  
23 revenues received as property tax relief and deposited  
24 in the rural services fund, all for the fiscal year  
25 beginning July 1, 1999, times one and sixty-seven  
26 thousandths."
- 27 5. By renumbering, redesignating, and correcting  
28 internal references as necessary.

PATRICIA HARPER

**S-3341**

- 1 Amend Senate File 514 as follows:
- 2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 25B.2, subsection 3, Code  
5 2001, is amended by striking the subsection.  
6 Sec. 2. NEW SECTION. 25B.5A UNFUNDED STATE  
7 MANDATES -- EFFECT.  
8 If, on or after July 1, 2001, a state mandate is  
9 enacted by the general assembly, or otherwise imposed,  
10 on a political subdivision and the state mandate  
11 requires a political subdivision to engage in any new  
12 activity, to provide a new service, or to provide any  
13 service beyond that required by any law enacted prior  
14 to July 1, 2001, and the state does not appropriate  
15 moneys to fully fund the cost of the state mandate as  
16 identified pursuant to section 25B.5, subsections 1  
17 and 2, the political subdivision is not required to  
18 perform the activity or provide the service and the  
19 political subdivision shall not be subject to any  
20 liabilities imposed by the state or the imposition of  
21 any fines or penalties for the failure to comply with

22 the state mandate.

23 Sec. 3. **NEW SECTION.** 28L.1 IOWA COMMISSION ON  
24 STATE AND LOCAL TAXATION.

25 1. An Iowa commission on state and local taxation  
26 is created which shall consist of fifteen members  
27 appointed as follows:

28 a. Four members appointed by the governor, at  
29 least one of whom shall be a private citizen and at  
30 least one of whom shall be a representative of  
31 business and industry.

32 b. Three senators appointed by the majority leader  
33 of the senate, one of whom shall be nominated by the  
34 minority leader of the senate.

35 c. Three representatives appointed by the speaker  
36 of the house, one of whom shall be nominated by the  
37 minority leader of the house.

38 d. One member appointed by the Iowa state  
39 association of counties.

40 e. One member appointed by the Iowa league of  
41 cities.

42 f. One member appointed by the Iowa association of  
43 school boards.

44 g. One member appointed by the presidents of the  
45 regents universities.

46 h. One member appointed by the Iowa association of  
47 community college trustees.

48 2. Members appointed by the governor are subject  
49 to senate confirmation. In making all appointments,  
50 consideration shall be given to gender, race, or

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1 ethnic representation, population and demographic  
2 factors, and representation of different geographic  
3 regions. Appointments made under subsection 1,  
4 paragraphs "d" through "h", are not subject to section  
5 69.16 or 69.16A.

6 3. Members of the commission shall hold office for  
7 four years beginning June 1 of the year of appointment  
8 and until their successors are appointed, except that  
9 three initial appointees shall be appointed for one  
10 year, three initial appointees for two years, four  
11 initial appointees for three years, and five initial  
12 appointees for four years. The commission shall  
13 conduct its organizational meeting no later than  
14 September 1, 2001.

15 4. Legislative members of the commission are  
16 eligible for per diem and expenses as provided in  
17 section 2.10. Members of the commission appointed by  
18 the governor shall be reimbursed for actual and  
19 necessary expenses incurred in performance of their  
20 duties. Members may also be eligible to receive

21 compensation as provided in section 7E.6.

22 5. A majority of the commission members shall  
23 constitute a quorum. For the purpose of conducting  
24 business, a majority vote of the commission shall be  
25 required. Beginning in May 2002, the commission shall  
26 meet in May of each year for the purpose of electing  
27 one of its members as chairperson. The commission  
28 shall meet quarterly and at other times as necessary  
29 at the call of the chairperson or when any six members  
30 of the commission file a written request with the  
31 chairperson for a meeting. Written notice of the time  
32 and place of each meeting shall be given to each  
33 member of the commission.

34 6. The commission may establish committees as it  
35 deems advisable and feasible, whose membership shall  
36 include at least two members of the commission, but  
37 only the commission may take final action on a  
38 proposal or recommendation of a committee.

39 7. Any vacancy shall be filled in the same manner  
40 as regular appointments are made for the unexpired  
41 portion of the regular term. A member of the  
42 commission may be removed for any of the causes and in  
43 the manner provided in chapter 66.

44 Sec. 4. NEW SECTION. 28L.2 STAFF AND FACILITIES.

45 The commission and committees established by the  
46 commission may accept technical and operational  
47 assistance from the staff of the legislative service  
48 bureau and the legislative fiscal bureau, other state  
49 or federal agencies, units of local governments, or  
50 any other public or private source. The directors of

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1 the legislative service bureau and the legislative  
2 fiscal bureau may assign professional, technical,  
3 legal, clerical, or other staff, as necessary and  
4 authorized by the legislative council for continued  
5 operation of the commission. However, technical and  
6 operational assistance provided by the bureaus shall  
7 be provided within existing appropriations made to or  
8 with existing resources of the legislative service  
9 bureau and legislative fiscal bureau. The legislative  
10 council may also provide to the commission available  
11 facilities and equipment as requested by the  
12 commission.

13 Sec. 5. NEW SECTION. 28L.3 REVIEW OF STATE AND  
14 LOCAL REVENUE AND SERVICES.

15 1. The commission shall conduct a review of the  
16 following:

17 a. Revenue sources available to local governments,  
18 including taxes, fees, state appropriations, and  
19 federal moneys.

20 b. Revenue sources available to the state,  
21 including taxes, fees, and federal moneys, and the  
22 portion of state revenues annually appropriated, or  
23 otherwise disbursed, to local governments.  
24 c. Services provided by local governments,  
25 including those provided at the discretion of a local  
26 government and those mandated by federal or state  
27 statutes and regulations.  
28 2. In conducting its review of revenue sources,  
29 the commission shall study state and local taxes from  
30 the standpoint of equity, neutrality, competitiveness,  
31 simplicity, and stability.  
32 3. The commission shall hold public hearings to  
33 allow persons and organizations to be heard.  
34 4. The commission shall submit a report to the  
35 general assembly on the status of the review no later  
36 than March 15, 2002. The status report shall  
37 summarize the commission's activities to date and may  
38 include such other information that the commission  
39 deems relevant and necessary.  
40 5. a. The commission shall submit a final report  
41 to the general assembly no later than January 15,  
42 2003.  
43 b. The final report shall include the following:  
44 (1) A statement of goals that the commission  
45 believes are necessary to achieve principles of  
46 taxation agreed upon by the committee.  
47 (2) Any strategies formulated by the commission  
48 that consist of recommended methods of state and local  
49 taxation, specific structural changes, and any  
50 modifications to the current system of state and local

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1 taxation.  
2 (3) Such other information that the commission  
3 deems relevant and necessary.  
4 6. This section shall not be construed to preclude  
5 the enactment of legislation that eliminates or  
6 reduces any state or local government tax during the  
7 period the Iowa commission on state and local taxation  
8 is conducting the review required by this section.  
9 Sec. 6. NEW SECTION. 28L.4 DUTIES OF THE  
10 COMMISSION.  
11 The commission shall:  
12 1. Conduct the review as required in section  
13 28L.3.  
14 2. Monitor legislative or administrative action on  
15 recommendations in the report required in section  
16 28L.3.  
17 3. Annually report on the state of local  
18 governments in Iowa.

19 4. Annually report on state and federal issues  
20 relating to local government that have a potential  
21 fiscal impact on local governments.

22 5. Annually report on court decisions having an  
23 impact on state and local government revenue or  
24 services.

25 6. The reports in subsections 3, 4, and 5 shall be  
26 filed with the governor, president of the senate,  
27 speaker of the house, and the majority and minority  
28 leaders of each house, and shall be made available to  
29 legislators and the public upon request. The reports  
30 must be submitted no later than January 15 of each  
31 year.

32 Sec. 7. NEW SECTION. 28L.5 INFORMATION.

33 The commission may request from any state agency or  
34 official the information and assistance as needed to  
35 perform the duties of the commission. A state agency  
36 or official shall furnish the information or  
37 assistance requested within the authority and  
38 resources of the state agency or official. This  
39 section does not require the production or opening of  
40 any public record which is required by law to be kept  
41 confidential.

42 Sec. 8. NEW SECTION. 28L.6 FUTURE REPEAL.

43 This chapter is repealed effective July 1, 2006.

44 Sec. 9. NEW SECTION. 331.404 COUNTY FINANCIAL  
45 MANAGEMENT PLAN.

46 Each county shall prepare a financial management  
47 plan for the county for use in budget planning. The  
48 financial management plan shall contain a set of  
49 financial policies for use by counties in budget  
50 planning. The county financial management plan shall

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1 be prepared in a manner which will assist counties in  
2 identifying budgeting goals, fiscal and service  
3 planning strategies, and revenue targets. County  
4 financial management planning shall be completed on  
5 forms prepared by the department of management and  
6 approved by the county finance committee in  
7 consultation with the Iowa state association of county  
8 supervisors, the Iowa state association of county  
9 auditors, and the public.

10 Copies of the financial management plan for a  
11 county shall be maintained as a public record at the  
12 county auditor's office and shall be filed with the  
13 state appeal board in the same manner and at the same  
14 time that certified budgets are filed under section  
15 24.17.

16 Sec. 10. NEW SECTION. 331.423A ENDING FUND  
17 BALANCE.

18 Effective for a fiscal year beginning on or after  
19 July 1, 2007, budgeted ending fund balances shall not  
20 exceed twenty-five percent of actual expenditures in  
21 the previous fiscal year for either the general fund  
22 or the rural services fund. An ending fund balance  
23 does not include funds reserved or designated for a  
24 specific purpose and specifically described in the  
25 certified budget.

26 Sec. 11. Section 331.441, subsection 2, Code 2001,  
27 is amended by adding the following new paragraph:  
28 NEW PARAGRAPH. d. "Rural general obligation bond"  
29 means a negotiable bond issued by a county and payable  
30 from the levy of ad valorem taxes on all taxable  
31 property located outside the incorporated areas of the  
32 county through its debt service fund which is required  
33 to be established by section 331.430.

34 Sec. 12. NEW SECTION. 331.450 RURAL DEBT  
35 SERVICE.

36 The county board of supervisors may direct the  
37 county auditor to establish a rural debt service tax  
38 district for the purpose of issuing general obligation  
39 bonds for rural county services. The rural debt  
40 service tax district shall include only unincorporated  
41 portions of the county. The county's debt service tax  
42 levy for the rural general obligation bonds shall be  
43 levied only against taxable property within the county  
44 which is included within the boundaries of the rural  
45 debt service tax district. The board may issue rural  
46 general obligation bonds for general county purposes  
47 and essential county purposes if such stated purpose  
48 is primarily intended to benefit those persons  
49 residing in the county outside of incorporated city  
50 areas. Rural general obligation bonds for the

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1 purposes described in this section are subject to an  
2 election held in the manner provided in section  
3 331.442, subsections 1 through 4, except that only  
4 those registered voters residing within the rural  
5 service area tax district may vote on the proposition.

6 Sec. 13. NEW SECTION. 331.451 LOANS TO CITIES.

7 A county may enter into a 28E agreement with one or  
8 more cities to finance in whole or in part one or more  
9 projects meeting the definition of a city essential  
10 corporate purpose or city general corporate purpose.  
11 The agreement may provide for issuance of general  
12 obligation bonds by the county the proceeds from which  
13 will be loaned to the city to finance such a city  
14 project. The county may require that the repayment  
15 obligation of a city be secured as the county deems  
16 appropriate. The repayment obligation may be

17 evidenced by one or more notes of a borrowing city.  
 18 The loan agreements may contain terms and conditions  
 19 the county deems advisable.  
 20 The county may provide in the resolution  
 21 authorizing the issuance of bonds that the principal  
 22 and interest on the bonds are payable exclusively from  
 23 any of the following:  
 24 1. The income and receipts or other money derived  
 25 from the project financed with the proceeds of the  
 26 bonds.  
 27 2. The income and receipts or other money derived  
 28 from designated projects whether or not the projects  
 29 are financed in whole or in part with the proceeds of  
 30 the bonds or notes.  
 31 3. A debt service property tax levy imposed by the  
 32 city on the taxable property in the city.  
 33 4. Tax incremental revenues if the project is  
 34 located in an urban renewal area. The county may  
 35 require that a city create an urban renewal area to  
 36 collect incremental tax revenues to secure the loan.  
 37 Bonds proposed to be issued under this section are  
 38 subject to an election held in the manner provided in  
 39 section 331.442, subsections 1 through 4."  
 40 2. Title page, by striking lines 1 and 2, and  
 41 inserting the following: "An Act relating to local  
 42 government fiscal reform and providing authority for  
 43 bonding."

PATRICIA HARPER  
 MAGGIE TINSMAN  
 JOHNNIE HAMMOND  
 PATRICK J. DELUHERY  
 KEN VEENSTRA  
 O. GENE MADDOX  
 BETTY A. SOUKUP  
 MARY A. LUNDBY  
 DERRYL McLAREN  
 JOE BOLKCOM  
 JOHN W. JENSEN  
 MICHAEL E. GRONSTAL

### S-3342

1 Amend Senate File 514 as follows:  
 2 1. Page 21, by inserting after line 27, the  
 3 following:  
 4 "Sec. 100. Section 403.5, subsection 2, unnumbered  
 5 paragraph 2, Code 2001, is amended to read as follows:  
 6 Prior to its approval of an urban renewal plan  
 7 which provides for a division of revenue pursuant to  
 8 section 403.19, the municipality shall mail the  
 9 proposed plan by regular mail to the affected taxing

10 entities. The municipality shall include with the  
 11 proposed plan notification of a consultation to be  
 12 held between the municipality and affected taxing  
 13 entities prior to the public hearing on the urban  
 14 renewal plan. Each affected taxing entity may appoint  
 15 a representative to attend the consultation. The  
 16 consultation may include a discussion of the estimated  
 17 growth in valuation of taxable property included in  
 18 the proposed urban renewal area, the fiscal impact of  
 19 the division of revenue on the affected taxing  
 20 entities, the estimated impact on the provision of  
 21 services by each of the affected taxing entities in  
 22 the proposed urban renewal area, and the duration of  
 23 any bond issuance included in the plan. The  
 24 designated representative of the affected taxing  
 25 entity may make written recommendations for  
 26 modification to the proposed division of revenue no  
 27 later than seven days following the date of the  
 28 consultation. The representative of the municipality  
 29 shall, no later than seven days prior to the public  
 30 hearing on the urban renewal plan, submit a written  
 31 response to the affected taxing entity addressing the  
 32 recommendations for modification to the proposed  
 33 division of revenue. The municipality shall not  
 34 proceed with approval of the urban renewal plan unless  
 35 each affected taxing entity that attended the  
 36 consultation, by resolution, approves the urban  
 37 renewal plan."

38 2. Page 21, by striking line 29, and inserting  
 39 the following:  
 40 "Sec. \_\_\_\_ APPLICABILITY DATES. Section 100 of  
 41 this Act applies to urban renewal plans submitted for  
 42 consultation on or after July 1, 2001. The remainder  
 43 of this Act applies to the".

44 3. Title page, by striking lines 1 and 2, and  
 45 inserting the following: "An Act relating to local  
 46 property tax by imposing a maximum property tax  
 47 dollars limitation for counties and by requiring  
 48 approval by affected taxing entities of an urban  
 49 renewal plan and providing for the Act's  
 50 applicability."

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1 4. By renumbering as necessary.

O. GENE MADDOX

**S-3343**

1 Amend Senate File 514 as follows:

2 1. Page 1, by striking line 2, and inserting the

3 following: "2001, is amended to read as follows:  
 4 h. The performance of an activity listed in  
 5 section 331.424, Code 2001, as a service for which a  
 6 supplemental levy ~~may~~ was allowed to be certified."

LARRY McKIBBEN

### S-3344

1 Amend Senate File 514 as follows:  
 2 1. Page 21, by inserting after line 27, the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 427.1, subsection 19,  
 5 unnumbered paragraph 8, Code 2001, is amended to read  
 6 as follows:  
 7 For the purposes of this subsection "pollution-  
 8 control property" means personal property or  
 9 improvements to real property, or any portion thereof,  
 10 used primarily to control or abate pollution of any  
 11 air or water of this state or used primarily to  
 12 enhance the quality of any air or water of this state  
 13 and "recycling property" means personal property or  
 14 improvements to real property or any portion of the  
 15 property, used primarily in the manufacturing process  
 16 and resulting directly in the conversion of waste  
 17 plastic, wastepaper products, or waste paperboard,  
 18 into new raw materials or products composed primarily  
 19 of recycled material. In the event such property  
 20 shall also serve other purposes or uses of productive  
 21 benefit to the owner of the property, only such  
 22 portion of the assessed valuation thereof as may  
 23 reasonably be calculated to be necessary for and  
 24 devoted to the control or abatement of pollution, to  
 25 the enhancement of the quality of the air or water of  
 26 this state, or for recycling shall be exempt from  
 27 taxation under this subsection. "Pollution-control  
 28 property" and "recycling property" do not include  
 29 property used for purposes related to the care and  
 30 feeding of livestock as defined in section 169C.1,  
 31 except for property which is eligible for a family  
 32 farm tax credit as provided in chapter 425A.  
 33 The exemption calculated for pollution control or  
 34 recycling property used for purposes related to the  
 35 care and feeding of livestock as defined in section  
 36 169C.1, and which is eligible for a family farm tax  
 37 credit as provided in chapter 425A, is limited to the  
 38 first one hundred thousand dollars in assessed value."  
 39 2. Title page, by striking lines 1 and 2, and  
 40 inserting the following: "An Act relating to property  
 41 tax by enacting a tax credit for certain pollution  
 42 control and recycling property and by imposing a  
 43 maximum property tax dollars limitation for counties

44 and providing for the Act's applicability."  
 45 3. By renumbering as necessary.

JOHN P. KIBBIE

**S-3345**

1 Amend Senate File 514 as follows:  
 2 1. Page 13, line 6, by inserting after the figure  
 3 "3." the following: "Property taxes certified as a  
 4 result of property tax revenues being decreased by the  
 5 allowing of a pollution-control and recycling property  
 6 tax exemption for property used for the care and  
 7 funding of livestock shall not be counted against the  
 8 maximum amount of property tax dollars that may be  
 9 certified for the fiscal year under subsection 3. For  
 10 purposes of this subsection and section 427.1,  
 11 subsection 19, "pollution-control property" and  
 12 "recycling property" do not include property used for  
 13 purposes related to the care and feeding of livestock  
 14 as defined in section 169C.1, except for property  
 15 which is eligible for a family farm tax credit as  
 16 provided in chapter 425A. The exemption calculated  
 17 for pollution control or recycling property used for  
 18 purposes related to the care and feeding of livestock  
 19 as defined in section 169C.1, and which is eligible  
 20 for a family farm tax credit as provided in chapter  
 21 425A, is limited to the first one hundred thousand  
 22 dollars in assessed value."

MERLIN E. BARTZ

**S-3346**

1 Amend Senate File 514 as follows:  
 2 1. Page 1, by inserting before line 3 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 25B.2, subsection 3, Code 2001,  
 5 is amended by striking the subsection.  
 6 Sec. \_\_\_\_ NEW SECTION. 25B.5A UNFUNDED STATE  
 7 MANDATES -- EFFECT.  
 8 If, on or after July 1, 2001, a state mandate is  
 9 enacted by the general assembly, or otherwise imposed,  
 10 on a political subdivision and the state mandate  
 11 requires a political subdivision to engage in any new  
 12 activity, to provide a new service, or to provide any  
 13 service beyond that required by any law enacted prior  
 14 to July 1, 2001, and the state does not appropriate  
 15 moneys to fully fund the cost of the state mandate as  
 16 identified pursuant to section 25B.5, subsections 1  
 17 and 2, the political subdivision is not required to

18 perform the activity or provide the service and the  
 19 political subdivision shall not be subject to any  
 20 liabilities imposed by the state or the imposition of  
 21 any fines or penalties for the failure to comply with  
 22 the state mandate."  
 23 2. By renumbering as necessary.

KITTY REHBERG

**S-3347**

HOUSE AMENDMENT TO  
 SENATE FILE 355

1 Amend Senate File 355, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, lines 16 and 17, by striking the words  
 4 "who has not suffered bodily harm".  
 5 2. Page 8, line 8, by striking the words "who has  
 6 not suffered bodily harm".  
 7 3. Page 8, by striking lines 15 through 17, and  
 8 inserting the following: "released custody of a  
 9 newborn infant shall not be prosecuted for a violation  
 10 of subsection 1, paragraph "f", relating to  
 11 abandonment."

**S-3348**

HOUSE AMENDMENT TO  
 SENATE FILE 114

1 Amend Senate File 114, as passed by the Senate, as  
 2 follows:  
 3 1. Page 5, line 27, by inserting after the word  
 4 "physicians," the following: "the Iowa chapter of the  
 5 American academy of pediatrics".  
 6 2. Page 5, line 32, by inserting after the word  
 7 "association," the following: "the Iowa psychiatric  
 8 society. the Iowa chapter of the national association  
 9 of social workers".  
 10 3. Page 6, line 27, by inserting after the word  
 11 "director;" the following: "the dean of Des Moines  
 12 university--osteopathic medical center, or a  
 13 representative designated by the dean".  
 14 4. By renumbering, relettering, or redesignating  
 15 and correcting internal references as necessary.

**S-3349**

1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:

- 3 1. Page 1, by inserting after line 13, the  
4 following:  
5 "\_\_\_."Agricultural seed" means the same as  
6 defined in section 199.1."  
7 2. Page 2, by inserting after line 3, the  
8 following:  
9 "\_\_\_."Biotechnological technique" means a  
10 practice used to alter the genetic characteristics of  
11 a plant by modifying the deoxyribonucleic acid of the  
12 plant's seed in a manner other than by using a  
13 conventional technique."  
14 3. Page 2, by inserting after line 5, the  
15 following:  
16 "\_\_\_."Contamination" means the unintended  
17 presence of a seed or a plant or plant part that  
18 originates from a seed, if the seed has been  
19 genetically modified by using a biotechnological  
20 technique.  
21 \_\_\_."Conventional technique" means a practice  
22 used to alter the genetic characteristics of a plant  
23 by modifying the deoxyribonucleic acid of the plant's  
24 seed by breeding or pollination."  
25 4. Page 2, lines 11 and 12, by striking the words  
26 and figure "agricultural seed or vegetable seed as  
27 defined in section 199.1," and inserting the  
28 following: "agricultural seed,".  
29 5. Page 2, line 13, by striking the word  
30 "commodity" and inserting the following: "crop,  
31 including a grain crop, or other commodity as".  
32 6. Page 3, by inserting after line 17, the  
33 following:  
34 "\_\_\_."Designated grain crop" means a grain crop  
35 that is produced from designated grain crop seed, as  
36 provided in section 717A.2.  
37 \_\_\_."Designated grain crop seed" means  
38 agricultural seed used to produce a grain crop, if the  
39 genetic characteristics of the agricultural seed have  
40 been modified by using a biotechnological technique.  
41 \_\_\_."Grain crop" means a crop that produces grain  
42 as defined in section 203.1."  
43 7. Page 3, by inserting after line 24, the  
44 following:  
45 "\_\_\_."Neighboring field" means crop operation  
46 property where a grain crop may be planted adjoining  
47 or adjacent to an originating field that is owned by a  
48 person other than the person who owns the originating  
49 field.  
50 \_\_\_."Originating field" means crop operation

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1 property where designated grain crop seed has been  
2 planted."

3 8. Page 4, lines 4 and 5, by striking the words  
4 "breeding or by using biotechnological systems or  
5 techniques" and inserting the following: "using a  
6 biotechnological technique or conventional technique".

7 9. Page 4, by inserting before line 6, the  
8 following:

9 "\_\_\_ "Seed dealer" means a person who sells or  
10 offers for sale agricultural seed to persons on a  
11 retail basis.

12 \_\_\_ "Seed labeler" means a person required to  
13 label agricultural seed as provided in section 199.3  
14 or 199.4.

15 \_\_\_ "Seed technology provider" means a person who  
16 in preparing for sale agricultural seed required to be  
17 labeled pursuant to section 199.3 or 199.4 modifies  
18 the deoxyribonucleic acid of the agricultural seed by  
19 using a biotechnological technique.

20 \_\_\_ "Sound maintenance practices" means practices  
21 required to maintain a designated grain crop produced  
22 from a designated grain crop seed as provided in  
23 section 717A.2."

24 10. Page 4, by striking lines 19 and 20, and  
25 inserting the following:

26 "\_\_\_ A person acts in violation of this section  
27 as follows:"

28 11. Page 4, line 21, by striking the word  
29 "Willfully" and inserting the following: "A person  
30 shall not intentionally".

31 12. Page 4, line 22, by inserting after the words  
32 "crop operation property" the following: "without the  
33 consent of the owner".

34 13. Page 4, line 23, by striking the word  
35 "Exercise" and inserting the following: "A person  
36 shall not exercise".

37 14. Page 4, line 25, by inserting after the word  
38 "property" the following: "and without the consent of  
39 the owner".

40 15. Page 4, line 26, by striking the word "Enter"  
41 and inserting the following: "A person shall not  
42 enter".

43 16. Page 4, line 28, by inserting after the word  
44 "person" the following: ", acting without the consent  
45 of the owner;".

46 17. Page 5, by inserting after line 12, the  
47 following:

48 "d. A seed labeler or seed technology provider  
49 shall not sell or offer for sale designated grain crop  
50 seed to a person for the production of a designated

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1 grain crop, if all of the following applies:

2 (1) The designated grain crop that originates from  
3 designated grain crop seed is sold or offered for sale  
4 in this state, and on December 1 of the previous year  
5 meets any one of the following criteria:

6 (a) Any grain produced from the designated grain  
7 crop or any food manufactured from that grain was  
8 prohibited from sale or use for human consumption by  
9 an agency of the federal government, including but not  
10 limited to the United States food and drug  
11 administration.

12 (b) All nations that imported a total of ten  
13 percent or more of grain produced from a specific  
14 species of grain crop prohibited the import of grain  
15 produced from that same species of grain crop because  
16 it was a designated grain crop according to statistics  
17 compiled by the United States department of  
18 agriculture or a person recognized by the United  
19 States department of agriculture.

20 (2) The seed labeler or seed technology provider  
21 of designated grain crop seed fails to provide sound  
22 maintenance practices for a designated grain crop  
23 produced from the designated grain crop seed as  
24 required by rules adopted by the department of  
25 agriculture and land stewardship. The sound  
26 maintenance practices shall provide for any one of the  
27 following:

28 (a) A security plan or amendments to the security  
29 plan submitted to and approved by the department as  
30 required by the department. The security plan shall  
31 ensure a closed system that provides no risk of  
32 contamination including contamination occurring  
33 because of any of the following:

34 (i) Prior to harvest, the designated grain crop  
35 contaminates another crop that is not a designated  
36 grain crop, if the other crop is maintained on a  
37 neighboring field.

38 (ii) After harvest, the designated grain crop or  
39 goods processed from the designated grain crop  
40 contaminates a crop that is not a designated grain  
41 crop or goods that are not processed from a designated  
42 grain crop.

43 The closed system shall provide for maintaining the  
44 designated grain crop and for disposing of,  
45 transporting, processing, marketing, and utilizing of  
46 a designated grain crop or goods processed from the  
47 designated grain crop. The security plan shall be  
48 accompanied by all necessary certifications by persons  
49 who will maintain the designated grain crop or dispose  
50 of, transport, process, or market the designated grain

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1 crop or goods processed from the designated grain  
2 crop.

3 (b) The dissemination of production information by  
4 the seed labeler or seed technology provider that  
5 shall be made conveniently available to each owner of  
6 a crop operation who produces the designated grain  
7 crop on an originating field. The production  
8 information shall provide requirements for planting  
9 the designated grain crop seed a minimum distance from  
10 the boundary of a neighboring field, and methods to  
11 maintain the separated area in order to prevent a  
12 significant risk of contamination occurring from any  
13 of the following:

14 (i) The transfer of gene characteristics to  
15 another crop planted on a neighboring field by  
16 pollination, including by pollination of the crop or  
17 the pollination of other related plants inhabiting the  
18 neighboring field.

19 (ii) The transfer of designated grain crop seed to  
20 the neighboring field.

21 For property that includes a road right-of-way,  
22 railroad right-of-way, or an access easement, a  
23 field's property line shall not be the boundary line  
24 of the right-of-way or easement."

25 18. Page 6, by inserting after line 1, the  
26 following:

27 "\_\_\_\_. For damages incurred by the owner of a  
28 neighboring field because of contamination from an  
29 originating field caused by a seed labeler or seed  
30 technology provider who sells designated grain crop  
31 seed without providing for sound maintenance  
32 practices, three times all actual and consequential  
33 losses."

34 19. Page 6, by inserting after line 4, the  
35 following:

36 "\_\_\_\_. a. The owner of a crop operation who  
37 produces a designated grain crop shall not be found to  
38 be liable for damages caused by contamination, if the  
39 designated grain crop is produced in accordance with  
40 sound maintenance practices as provided in this  
41 section.

42 b. A seed dealer shall not be found liable for  
43 damages caused by contamination.

44 A provision in a contract, a waiver, or a condition  
45 of a transaction that provides for the liability of a  
46 person contrary to this subsection is void and  
47 unenforceable."

48 20. Page 6, by striking lines 5 through 7, and  
49 inserting the following:

50 "\_\_\_\_. A person who violates this section is guilty

Page 5

- 1 of the following penalties:"  
 2 21. Page 6, line 6, by striking the word  
 3 "research".  
 4 22. Page 6, line 12, by striking the word  
 5 "research".  
 6 23. Page 6, line 13, by striking the word  
 7 "research".  
 8 24. Page 6, by inserting after line 17, the  
 9 following:  
 10 "\_\_\_\_. For a violation of subsection 1, paragraph  
 11 "d", the person is guilty of an aggravated  
 12 misdemeanor."  
 13 25. Page 6, by striking lines 18 through 30.  
 14 26. By renumbering as necessary.

MERLIN E. BARTZ

**S-3350**

HOUSE AMENDMENT TO  
 SENATE FILE 452

- 1 Amend Senate File 452, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 3 the  
 4 following:  
 5 "0A. "Guide" means the most recent national  
 6 council for prescription drug programs pharmacy  
 7 identification card implementation guide, or its  
 8 successor."  
 9 2. Page 1, line 11, by inserting after the word  
 10 and figure "or 514A," the following: "a provider of a  
 11 plan established pursuant to chapter 509A for public  
 12 employees,".  
 13 3. Page 1, line 17, by inserting after the word  
 14 and figure "chapter 514F," the following: "a provider  
 15 of a self-insured multiple employer welfare  
 16 arrangement,".  
 17 4. Page 1, lines 27 through 29, by striking the  
 18 words "including, but not limited to, third-party  
 19 administrators for self-insured plans, pharmacy  
 20 benefits managers, and state-administered plans" and  
 21 inserting the following: "excluding administrators of  
 22 self-funded employer sponsored health benefit plans  
 23 qualified under the federal Employee Retirement Income  
 24 Security Act of 1974".  
 25 5. By striking page 1, line 33, through page 2,  
 26 line 26, and inserting the following: "information  
 27 card or technology applicable to those entities  
 28 subject to regulation by the commissioner of

29 insurance. The director of public health shall adopt  
30 rules for the uniform prescription drug information  
31 card or technology applicable to organized delivery  
32 systems. The rules shall require at least both of the  
33 following regarding the card or technology:

34 (1) With respect to the information required, be  
35 consistent with the guide, except that the address of  
36 the pharmacy benefits manager shall not be required.

37 (2) With respect to the location of the  
38 information required, be substantially consistent with  
39 the guide."

40 6. By renumbering, relettering, redesignating,  
41 and correcting internal references as necessary.

### S-3351

1 Amend House File 694, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 21 the  
4 following:

5 "7. By January 1 of each year, the commission  
6 shall submit an annual written report to the general  
7 assembly and the governor regarding, at a minimum, the  
8 activities of the commission and any recommendations  
9 regarding legislation.

10 Sec. \_\_\_\_ NEW SECTION. 16.183 REPEAL.  
11 Section 16.182 is repealed on June 30, 2004."

12 2. Page 2, line 22, by striking the word "The"  
13 and inserting the following: "By January 1, 2002,  
14 the".

15 3. Page 2, by striking line 26 and inserting the  
16 following: "submit an interim progress report to the  
17 general assembly and the".

18 4. Page 2, line 27, by striking the word "for"  
19 and inserting the following: "which shall include  
20 preliminary findings regarding".

21 5. Page 2, line 28, by inserting after the word  
22 "agency." the following: "By January 1, 2003, the  
23 housing trust commission, in cooperation with the Iowa  
24 finance authority, the department of economic  
25 development, the attorney general, and the department  
26 of public health, shall submit a final report to the  
27 general assembly and the governor which shall include  
28 the final findings and recommendations for the  
29 implementation of the consolidation of all housing  
30 programs under one agency."

31 6. By renumbering as necessary.

MARK ZIEMAN  
KITTY REHBERG

**S-3352**

1 Amend House File 577, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 15.108, subsection 2, Code  
6 2001, is amended by adding the following new  
7 paragraph:  
8 NEW PARAGRAPH. e. Include a clear and conspicuous  
9 statement of the average price per kilowatt hour of  
10 electricity in Iowa, as estimated by the energy  
11 information administration of the United States  
12 department of energy in its most recent report, in all  
13 written promotional material, including internet  
14 sites, that is designed, produced, or distributed by  
15 the department for purposes of promoting the state in  
16 attracting new businesses to the state."  
17 2. By renumbering and correcting internal  
18 references as necessary.

MIKE CONNOLLY

**S-3353**

1 Amend Senate File 514 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. REAFFIRMATION OF LOCAL GOVERNMENT HOME  
5 RULE. The general assembly declares and reaffirms  
6 that counties and cities have been granted home rule  
7 power and authority by the Constitution of the State  
8 of Iowa to determine their local affairs and  
9 government, to the extent such authority is not  
10 inconsistent with the laws of the general assembly."

JOHNIE HAMMOND

**S-3354**

1 Amend House File 687, as passed by the House, as  
2 follows:  
3 1. Page 3, by inserting after line 26, the  
4 following:  
5 " \_\_\_\_\_. The state board of regents shall establish  
6 terms and conditions for service contracts executed by  
7 institutions governed by the state board of regents."  
8 2. Page 5, line 22, by inserting after the word  
9 "chapter." the following: "However, the state board  
10 of regents shall oversee and implement the provisions

11 of this chapter for institutions governed under  
12 chapter 262."

RICHARD F. DRAKE

**S-3355**

1 Amend House File 180, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 598.13, Code 2001, is amended  
6 to read as follows:

7 598.13 FINANCIAL STATEMENTS FILED.  
8 1. Both parties shall disclose their financial  
9 status. A showing of special circumstances shall not  
10 be required before the disclosure is ordered. A  
11 statement of net worth set forth by affidavit on a  
12 form prescribed by the supreme court and furnished  
13 without charge by the clerk of the district court  
14 shall be filed by each party prior to the dissolution  
15 hearing. However, the parties may waive this  
16 requirement upon application of both parties and  
17 approval by the court.

18 Failure to comply with the requirements of this  
19 ~~section~~ subsection constitutes failure to make  
20 discovery as provided in rule of civil procedure 134.

21 2. The court may, in its discretion, order a  
22 trustee to provide, on behalf of a trust, information  
23 including but not limited to, trust documents and  
24 financial statements relating to any beneficial  
25 interest a party to the pending action may have in the  
26 trust."

27 2. Title page, by striking lines 1 through 4 and  
28 inserting the following: "An Act relating to  
29 dissolution of marriage including certain financial  
30 statement information filed by the parties and  
31 participation in a court-approved course prior to the  
32 granting of a final dissolution of marriage decree or  
33 the entering of a final custody order."

JOANN JOHNSON

**S-3356**

1 Amend House File 663, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 27 the  
4 following:

5 "Sec. \_\_\_\_ . Section 347.19, Code 2001, is amended  
6 to read as follows:

7 347.19 COMPENSATION -- EXPENSES.  
 8 ~~No~~ A trustee shall may receive any a per diem  
 9 compensation for services performed under this  
 10 chapter, ~~but a trustee in an amount as set by the~~  
 11 board of supervisors and shall be reimbursed for any  
 12 cash expenditures actually made for personal expenses  
 13 incurred in the performance of duties. An itemized  
 14 statement of such expenses, verified by the oath of  
 15 each such trustee, shall be filed with the secretary,  
 16 and the same shall only be allowed by an affirmative  
 17 vote of all trustees present at the meeting of the  
 18 board."  
 19 2. Title page, line 1, by inserting after the  
 20 word "Act" the following: "authorizing a per diem  
 21 compensation for trustees of a county hospital and".

MARK ZIEMAN

### S-3357

1 Amend House File 643, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 8, by inserting after line 14 the  
 4 following:  
 5 "Sec. 100. Section 403.19, subsections 2 and 5,  
 6 Code 2001, are amended to read as follows:  
 7 2. That portion of the taxes each year in excess  
 8 of such amount shall be allocated to and when  
 9 collected be paid into a special fund of the  
 10 municipality to pay the principal of and interest on  
 11 loans, moneys advanced to, or indebtedness, whether  
 12 funded, refunded, assumed, or otherwise, including  
 13 bonds issued under the authority of section 403.9,  
 14 subsection 1, incurred by the municipality to finance  
 15 or refinance, in whole or in part, an urban renewal  
 16 project within the area, and to provide assistance for  
 17 low and moderate income family housing as provided in  
 18 section 403.22, except that taxes for the regular and  
 19 voter-approved physical plant and equipment levy of a  
 20 school district imposed pursuant to section 298.2 and  
 21 taxes for the payment of bonds and interest of each  
 22 taxing district must be collected against all taxable  
 23 property within the taxing district without limitation  
 24 by the provisions of this subsection. However, all or  
 25 a portion of the taxes for the physical plant and  
 26 equipment levy shall be paid by the school district to  
 27 the municipality if the municipality auditor  
 28 certifies, as provided in subsection 5, paragraph "b",  
 29 to the school district by July 1 the amount of such  
 30 levy that is necessary to pay the principal and  
 31 interest on ~~indebtedness incurred~~ bonds issued by the  
 32 municipality to finance an urban renewal project,

33 ~~which indebtedness was incurred bonds were issued~~  
34 before July 1, 2000. Such school district shall pay  
35 over the amount certified by November 1 following  
36 certification to the school district. Unless and  
37 until the total assessed valuation of the taxable  
38 property in an urban renewal area exceeds the total  
39 assessed value of the taxable property in such area as  
40 shown by the last equalized assessment roll referred  
41 to in subsection 1, all of the taxes levied and  
42 collected upon the taxable property in the urban  
43 renewal area shall be paid into the funds for the  
44 respective taxing districts as taxes by or for the  
45 taxing districts in the same manner as all other  
46 property taxes. When such loans, advances,  
47 indebtedness, and bonds, if any, and interest thereon,  
48 have been paid, all moneys thereafter received from  
49 taxes upon the taxable property in such urban renewal  
50 area shall be paid into the funds for the respective

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1 taxing districts in the same manner as taxes on all  
2 other property.  
3 5. a. A municipality shall certify to the county  
4 auditor on or before December 1 the following amounts:  
5 (1) The amount of loans, advances, indebtedness,  
6 or bonds which qualify for payment from the special  
7 fund referred to in subsection 2, and the and  
8 including the amount certified in subparagraph 2.  
9 (2) The amount of principal and interest payments  
10 to be made during the fiscal year on bonds issued  
11 prior to July 1, 2000, that qualify for payment from  
12 taxes received from the physical plant and equipment  
13 levy. Indebtedness issued to refund the bonds issued  
14 prior to July 1, 2000, shall not be included in this  
15 separate certification.  
16 b. The auditor shall certify to the school  
17 district by July 1 the amount of tax from the physical  
18 plant and equipment levy that shall be paid to the  
19 municipality as follows:  
20 (1) If the amount in the special fund referred to  
21 in subsection 2, is less than the amount certified by  
22 the municipality in paragraph "a", subparagraph (2),  
23 determined before any other payments for loans,  
24 advances, indebtedness, or bonds are to be made, the  
25 amount to be certified by the auditor to the school  
26 district is the difference.  
27 (2) If the amount in the special fund referred to  
28 in subsection 2, is equal to or greater than the  
29 amount certified by the municipality in paragraph "a",  
30 subparagraph (2), determined before any other payments  
31 for loans, advances, indebtedness, or bonds are to be

32 made, the amount to be certified by the auditor to the  
 33 school district is zero.  
 34 c. The filing of the certificate in paragraph "a",  
 35 subparagraph (1), shall make it a duty of the auditor  
 36 to provide for the division of taxes in each  
 37 subsequent year until the amount of the loans,  
 38 advances, indebtedness, or bonds is paid to the  
 39 special fund. In any year, the county auditor shall,  
 40 upon receipt of a certified request from a  
 41 municipality filed on or before December 1, increase  
 42 the amount to be allocated under subsection 1 in order  
 43 to reduce the amount to be allocated in the following  
 44 fiscal year to the special fund, to the extent that  
 45 the municipality does not request allocation to the  
 46 special fund of the full portion of taxes which could  
 47 be collected. Upon receipt of a certificate from a  
 48 municipality, the auditor shall mail a copy of the  
 49 certificate to each affected taxing district."  
 50 2. Page 8, by inserting after line 16, the

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1 following:  
 2 "Sec. 101. EFFECTIVE AND APPLICABILITY DATES.  
 3 Section 100 of this Act, relating to the physical  
 4 plant and equipment levy, being deemed of immediate  
 5 importance, takes effect upon enactment and applies to  
 6 physical plant and equipment taxes collected on or  
 7 after July 1, 2001."  
 8 3. Title page, line 3, by inserting after the  
 9 word "program" the following: "and providing  
 10 effective and applicability dates".

MIKE CONNOLLY

## S-3358

1 Amend House File 354, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, Page 12, by inserting after the word  
 4 "physician" the following: "and surgeon".  
 5 2. Page 2, by striking line 13 and inserting the  
 6 following: "148, an osteopath licensed pursuant to  
 7 chapter 150, an osteopathic physician and surgeon  
 8 licensed pursuant to chapter 150A, a physician  
 9 assistant licensed pursuant to".  
 10 3. Page 2, line 14, by inserting after the figure  
 11 "148C," the following: "a chiropractor licensed  
 12 pursuant to chapter 151,".  
 13 4. Title page, line 2, by inserting after the  
 14 word "assistant," the following: "a chiropractor,".

MICHAEL E. GRONSTAL  
JOHN W. JENSEN  
EUGENE S. FRAISE

**S-3359**

HOUSE AMENDMENT TO  
SENATE FILE 168

1 Amend Senate File 168 as follows:  
2 1. Page 1, by striking lines 3 through 19 and  
3 inserting the following:  
4 "NEW PARAGRAPH. g. If a city grants more than one  
5 cable television franchise, the material terms and  
6 conditions of any additional franchise shall not give  
7 undue preference or advantage to the new franchisee.  
8 A city shall not grant a new franchise that does not  
9 include the same territory as that of the existing  
10 franchise. A new franchisee shall be given a  
11 reasonable period of time to build the new system  
12 throughout the territory."

**S-3360**

1 Amend Senate File 514 as follows:  
2 1. Page 1, by inserting before line 3 the  
3 following:  
4 "Sec. \_\_\_\_ Section 25B.2, subsection 3, Code 2001,  
5 is amended by striking the subsection.  
6 Sec. \_\_\_\_ NEW SECTION. 25B.5A UNFUNDED STATE  
7 MANDATES -- EFFECT.  
8 If, on or after July 1, 2001, a state mandate is  
9 enacted by the general assembly, or otherwise imposed,  
10 on a political subdivision and the state mandate  
11 requires a political subdivision to engage in any new  
12 activity, to provide a new service, or to provide any  
13 service beyond that required by any law enacted prior  
14 to July 1, 2001, and the state does not appropriate  
15 moneys to fully fund the cost of the state mandate as  
16 identified pursuant to section 25B.5, subsections 1  
17 and 2, the political subdivision is not required to  
18 perform the activity or provide the service and the  
19 political subdivision shall not be subject to any  
20 liabilities imposed by the state or the imposition of  
21 any fines or penalties for the failure to comply with  
22 the state mandate."  
23 2. By striking page 5, line 22, through page 21,  
24 line 31, and inserting the following:  
25 "Sec. \_\_\_\_ NEW SECTION. 331.404 COUNTY FINANCIAL  
26 MANAGEMENT PLAN.  
27 Each county shall prepare a financial management

28 plan for the county for use in budget planning. The  
 29 financial management plan shall contain a set of  
 30 financial policies for use by counties in budget  
 31 planning. The county financial management plan shall  
 32 be prepared in a manner which will assist counties in  
 33 identifying budgeting goals, fiscal and service  
 34 planning strategies, and revenue targets. County  
 35 financial management planning shall be completed on  
 36 forms prepared by the department of management and  
 37 approved by the county finance committee in  
 38 consultation with the Iowa state association of county  
 39 supervisors, the Iowa state association of county  
 40 auditors, and the public.  
 41 Copies of the financial management plan for a  
 42 county shall be maintained as a public record at the  
 43 county auditor's office and shall be filed with the  
 44 state appeal board in the same manner and at the same  
 45 time that certified budgets are filed under section  
 46 24.17.  
 47 Sec. \_\_\_\_ NEW SECTION. 331.423A ENDING FUND  
 48 BALANCE.  
 49 Effective for a fiscal year beginning on or after  
 50 July 1, 2005, budgeted ending fund balances shall not

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1 exceed twenty-five percent of actual expenditures in  
 2 the previous fiscal year for either the general fund  
 3 or the rural services fund. An ending fund balance  
 4 does not include funds reserved or designated for a  
 5 specific purpose and specifically described in the  
 6 certified budget.  
 7 Sec. \_\_\_\_ Section 331.441, subsection 2, Code  
 8 2001, is amended by adding the following new  
 9 paragraph:  
 10 NEW PARAGRAPH. d. "Rural general obligation bond"  
 11 means a negotiable bond issued by a county and payable  
 12 from the levy of ad valorem taxes on all taxable  
 13 property located outside the incorporated areas of the  
 14 county through its debt service fund which is required  
 15 to be established by section 331.430.  
 16 Sec. \_\_\_\_ NEW SECTION. 331.450 RURAL DEBT  
 17 SERVICE.  
 18 The county board of supervisors may direct the  
 19 county auditor to establish a rural debt service tax  
 20 district for the purpose of issuing general obligation  
 21 bonds for rural county services. The rural debt  
 22 service tax district shall include only unincorporated  
 23 portions of the county. The county's debt service tax  
 24 levy for the rural general obligation bonds shall be  
 25 levied only against taxable property within the county  
 26 which is included within the boundaries of the rural

27 debt service tax district. The board may issue rural  
 28 general obligation bonds for general county purposes  
 29 and essential county purposes if such stated purpose  
 30 is primarily intended to benefit those persons  
 31 residing in the county outside of incorporated city  
 32 areas. Rural general obligation bonds for the  
 33 purposes described in this section are subject to an  
 34 election held in the manner provided in section  
 35 331.442, subsections 1 through 4, except that only  
 36 those registered voters residing within the rural  
 37 service area tax district may vote on the proposition.  
 38 Sec. \_\_\_\_ NEW SECTION. 331.451 LOANS TO CITIES.  
 39 A county may enter into a 28E agreement with one or  
 40 more cities to finance in whole or in part one or more  
 41 projects meeting the definition of a city essential  
 42 corporate purpose or city general corporate purpose.  
 43 The agreement may provide for issuance of general  
 44 obligation bonds by the county the proceeds from which  
 45 will be loaned to the city to finance such a city  
 46 project. The county may require that the repayment  
 47 obligation of a city be secured as the county deems  
 48 appropriate. The repayment obligation may be  
 49 evidenced by one or more notes of a borrowing city.  
 50 The loan agreements may contain terms and conditions

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1 the county deems advisable.  
 2 The county may provide in the resolution  
 3 authorizing the issuance of bonds that the principal  
 4 and interest on the bonds are payable exclusively from  
 5 any of the following:  
 6 1. The income and receipts or other money derived  
 7 from the project financed with the proceeds of the  
 8 bonds.  
 9 2. The income and receipts or other money derived  
 10 from designated projects whether or not the projects  
 11 are financed in whole or in part with the proceeds of  
 12 the bonds or notes.  
 13 3. A debt service property tax levy imposed by the  
 14 city on the taxable property in the city.  
 15 4. Tax incremental revenues if the project is  
 16 located in an urban renewal area. The county may  
 17 require that a city create an urban renewal area to  
 18 collect incremental tax revenues to secure the loan.  
 19 Bonds proposed to be issued under this section are  
 20 subject to an election held in the manner provided in  
 21 section 331.442, subsections 1 through 4."  
 22 3. Title page, by striking lines 1 and 2, and  
 23 inserting the following: "An Act relating to local

24 government fiscal reform and providing authority for  
 25 bonding."

PATRICIA HARPER  
 JOHNIE HAMMOND

**S-3361**

1 Amend House File 271, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 9, the  
 4 following: "A licensee shall not compensate a person  
 5 or another licensee for recommending, referring, or  
 6 securing a client."  
 7 2. Title page, by striking line 1 and inserting  
 8 the following: "An Act relating to".

NEAL SCHUERER  
 MATT McCOY

**S-3362**

1 Amend House File 643, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 8, by inserting after line 14, the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 483A.27, Code 2001, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 11. A hunter safety and ethics  
 8 instructor certified by the department shall be  
 9 allowed to conduct an approved hunter safety and  
 10 ethics education course on public school property with  
 11 the approval of a majority of the board of directors  
 12 of the school district. The conduct of an approved  
 13 hunter safety and ethics education course is not a  
 14 violation of any public policy, rule, regulation,  
 15 resolution, or ordinance which prohibits the  
 16 possession, display, or use of a firearm, bow and  
 17 arrow, or other hunting weapon on public school  
 18 property or other public property in this state."  
 19 2. By renumbering as necessary.

TOM FLYNN  
 DENNIS H. BLACK  
 STEVE KING  
 JEFF LAMBERTI  
 DAVID MILLER  
 WALLY E. HORN

**S-3363**

1 Amend House File 502, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 13, the  
4 following:

5 "\_\_\_." Agricultural seed" means the same as  
6 defined in section 199.1."

7 2. Page 2, by inserting after line 3, the  
8 following:

9 "\_\_\_." Biotechnological technique" means a  
10 practice used to alter the genetic characteristics of  
11 a plant by modifying the deoxyribonucleic acid of the  
12 plant's seed in a manner other than by using a  
13 conventional technique."

14 3. Page 2, by inserting after line 5, the  
15 following:

16 "\_\_\_." Contamination" means the unintended  
17 presence of a seed or a plant or plant part that  
18 originates from a seed, if the seed has been  
19 genetically modified by using a biotechnological  
20 technique.

21 \_\_\_." Conventional technique" means a practice  
22 used to alter the genetic characteristics of a plant  
23 by modifying the deoxyribonucleic acid of the plant's  
24 seed by breeding or pollination."

25 4. Page 2, lines 11 and 12, by striking the words  
26 and figure "agricultural seed or vegetable seed as  
27 defined in section 199.1," and inserting the  
28 following: "agricultural seed,".

29 5. Page 2, line 13, by striking the word  
30 "commodity" and inserting the following: "crop,  
31 including a grain crop, or other commodity as".

32 6. Page 3, by inserting after line 17, the  
33 following:

34 "\_\_\_." Designated grain crop" means a grain crop  
35 that is produced from designated grain crop seed, as  
36 provided in section 717A.2.

37 \_\_\_." Designated grain crop seed" means  
38 agricultural seed used to produce a grain crop, if the  
39 genetic characteristics of the agricultural seed have  
40 been modified by using a biotechnological technique.

41 \_\_\_." Grain crop" means a crop that produces grain  
42 as defined in section 203.1."

43 7. Page 3, by inserting after line 24, the  
44 following:

45 "\_\_\_." Neighboring field" means crop operation  
46 property where a grain crop may be planted adjoining  
47 or adjacent to an originating field that is owned by a  
48 person other than the person who owns the originating  
49 field.

50 \_\_\_." Originating field" means crop operation

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1 property where designated grain crop seed has been  
2 planted."

3 8. Page 4, lines 4 and 5, by striking the words  
4 "breeding or by using biotechnological systems or  
5 techniques." and inserting the following: "using a  
6 biotechnological technique or conventional technique."

7 9. Page 4, by inserting before line 6, the  
8 following:

9 "\_\_\_." "Seed dealer" means a person who sells or  
10 offers for sale agricultural seed to persons on a  
11 retail basis.

12 \_\_\_." "Seed labeler" means a person required to  
13 label agricultural seed as provided in section 199.3  
14 or 199.4.

15 \_\_\_." "Seed technology provider" means a person who  
16 in preparing for sale agricultural seed required to be  
17 labeled pursuant to section 199.3 or 199.4 modifies  
18 the deoxyribonucleic acid of the agricultural seed by  
19 using a biotechnological technique.

20 \_\_\_." "Sound maintenance practices" means practices  
21 required to maintain a designated grain crop produced  
22 from a designated grain crop seed as provided in  
23 section 717A.2."

24 10. Page 4, by striking lines 19 and 20, and  
25 inserting the following:

26 "\_\_\_." A person acts in violation of this section  
27 as follows:"

28 11. Page 4, line 21, by striking the word  
29 "Willfully" and inserting the following: "A person  
30 shall not intentionally".

31 12. Page 4, line 22, by inserting after the words  
32 "crop operation property" the following: "without the  
33 consent of the owner".

34 13. Page 4, line 23, by striking the word  
35 "Exercise" and inserting the following: "A person  
36 shall not exercise".

37 14. Page 4, line 25, by inserting after the word  
38 "property" the following: "and without the consent of  
39 the owner".

40 15. Page 4, line 26, by striking the word "Enter"  
41 and inserting the following: "A person shall not  
42 enter".

43 16. Page 4, line 28, by inserting after the word  
44 "person" the following: ", acting without the consent  
45 of the owner;".

46 17. Page 5, by inserting after line 12, the  
47 following:

48 "d. (1) Except as otherwise provided in  
49 subparagraph (2), a seed labeler or seed technology  
50 provider shall not sell or offer for sale designated

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1 grain crop seed to a person for the production of a  
2 designated grain crop, if the designated grain crop  
3 that originates from designated grain crop seed is  
4 sold or offered for sale in this state, and on  
5 December 1 of the previous year meets any one of the  
6 following criteria:

7 (a) Any grain produced from the designated grain  
8 crop or any food manufactured from that grain was  
9 prohibited from sale or use for human consumption by  
10 an agency of the federal government, including but not  
11 limited to the United States food and drug  
12 administration.

13 (b) A major nation importer of grain produced from  
14 a specific species of grain crop prohibited the import  
15 of the grain because it was produced from agricultural  
16 seed genetically modified by using biotechnological  
17 techniques. The department of agriculture and land  
18 stewardship shall adopt rules pursuant to chapter 17A  
19 that lists each major nation importer of grain  
20 produced from a specific species of grain crop, based  
21 on United States exports of the grain to nations that  
22 import a substantial quantity of that grain from  
23 exporting nations.

24 (2) A seed labeler or seed technology provider may  
25 sell or offer for sale designated grain crop seed to a  
26 person for the production of a designated grain crop,  
27 if the seed labeler or seed technology provider  
28 provides sound maintenance practices for the  
29 designated grain crop as required by rules adopted by  
30 the department of agriculture and land stewardship.  
31 The sound maintenance practices shall provide for any  
32 one of the following:

33 (a) A security plan or amendments to the security  
34 plan submitted to and approved by the department as  
35 required by the department. The security plan shall  
36 ensure a closed system that provides a minimal risk of  
37 contamination including contamination occurring  
38 because of any of the following:

39 (i) Prior to harvest, the designated grain crop  
40 contaminates another crop that is not a designated  
41 grain crop, if the other crop is maintained on a  
42 neighboring field.

43 (ii) After harvest, the designated grain crop or  
44 goods processed from the designated grain crop  
45 contaminates a crop that is not a designated grain  
46 crop or goods that are not processed from a designated  
47 grain crop.

48 The closed system shall provide for maintaining the  
49 designated grain crop and for disposing of,  
50 transporting, processing, marketing, and utilizing of

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1 a designated grain crop or goods processed from the  
2 designated grain crop. The security plan shall be  
3 accompanied by all necessary certifications by persons  
4 who will maintain the designated grain crop or dispose  
5 of, transport, process, or market the designated grain  
6 crop or goods processed from the designated grain  
7 crop.

8 (b) The dissemination of production information by  
9 the seed labeler or seed technology provider that  
10 shall be made conveniently available to each owner of  
11 a crop operation who produces the designated grain  
12 crop on an originating field. The production  
13 information shall provide requirements for planting  
14 the designated grain crop seed a minimum distance from  
15 the boundary of a neighboring field, and methods to  
16 maintain the separated area in order to ensure a  
17 minimal risk of contamination occurring from any of  
18 the following:

19 (i) The transfer of gene characteristics to  
20 another crop planted on a neighboring field by  
21 pollination, including by pollination of the crop or  
22 the pollination of other related plants inhabiting the  
23 neighboring field.

24 (ii) The transfer of designated grain crop seed to  
25 the neighboring field.

26 For property that includes a road right-of-way,  
27 railroad right-of-way, or an access easement, a  
28 field's property line shall not be the boundary line  
29 of the right-of-way or easement."

30 18. Page 6, by inserting after line 1, the  
31 following:

32 "\_\_\_\_. For damages incurred by the owner of a  
33 neighboring field because of contamination from an  
34 originating field caused by a seed labeler or seed  
35 technology provider who sells designated grain crop  
36 seed without providing for sound maintenance  
37 practices, three times all actual and consequential  
38 losses."

39 19. Page 6, by inserting after line 4, the  
40 following:

41 "\_\_\_\_. a. The owner of a crop operation who  
42 produces a designated grain crop shall not be found to  
43 be liable for damages caused by contamination, if the  
44 designated grain crop is produced in accordance with  
45 sound maintenance practices as provided in this  
46 section.

47 b. A seed dealer shall not be found liable for  
48 damages caused by contamination if any of the  
49 following applies:

50 (1) The seed dealer disseminates sound maintenance

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1 information to a customer of designated grain crop  
2 seed as required as part of a written contract  
3 executed by the seed dealer and the seed labeler or  
4 seed technology provider.  
5 (2) The seed labeler or seed technology provider  
6 fails to provide sound maintenance information to a  
7 seed dealer. The sound maintenance information may be  
8 either a notice that the designated grain crop seed is  
9 subject to a security plan filed with the department  
10 of agriculture and land stewardship or production  
11 information as required in this section.  
12 A provision in a contract, a waiver, or a condition  
13 of a transaction that provides for the liability of a  
14 person contrary to this subsection is void and  
15 unenforceable."  
16 20. Page 6, by striking lines 5 through 7, and  
17 inserting the following:  
18 "\_\_\_\_. A person who violates this section is guilty  
19 of the following penalties:"  
20 21. Page 6, line 12, by striking the word  
21 "research".  
22 22. Page 6, line 13, by striking the word  
23 "research".  
24 23. Page 6, by inserting after line 17, the  
25 following:  
26 "\_\_\_\_. For a violation of subsection 1, paragraph  
27 "d", the person is guilty of an aggravated  
28 misdemeanor."  
29 24. Page 6, by striking lines 18 through 30.  
30 25. By renumbering as necessary.

MERLIN E. BARTZ

## S-3364

1 Amend Senate File 478 as follows:  
2 1. By striking page 14, line 34, through page 15,  
3 line 12.  
4 2. Title page, by striking lines 2 through 4 and  
5 inserting the following: "or mobile homes, and  
6 providing coordinating amendments."  
7 3. By renumbering as necessary.

JACK HOLVECK  
ANDY McKEAN

**S-3365**

1 Amend the amendment S-3363, to House File 502, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 3, line 31, by striking the word "The"  
5 and inserting the following: "As part of the sound  
6 maintenance practices, a seed labeler shall provide  
7 notice of a designated grain crop seed on the  
8 container holding the designated grain crop seed as  
9 provided in section 199.3 or on a placard as provided  
10 in section 199.4. A seed dealer shall provide the  
11 same notice in a disclosure statement to a person  
12 purchasing the designated grain crop seed on a retail  
13 basis prior to or at the time of the purchase. The  
14 disclosure statement may be contained on a separate  
15 form or part of an invoice or bill of sale evidencing  
16 a transaction. The seed dealer shall not sell  
17 designated grain crop seed, unless the purchaser signs  
18 the disclosure statement acknowledging that the  
19 purchaser has read the statement. The seed dealer  
20 shall maintain a copy of the acknowledged disclosure  
21 statement as part of the seed dealer's business  
22 records. The form of the disclosure statement shall  
23 be prescribed by rules adopted by the department. The  
24 notice required by this subparagraph shall appear in a  
25 printed bold-faced font in at least ten point type.  
26 The notice shall appear in the following form:

27 NOTICE

28 GENETICALLY MODIFIED SEED

29 This crop seed has been modified using  
30 biotechnological techniques. Please consult a  
31 security plan required to be filed with the department  
32 of agriculture and land stewardship or production  
33 information required to be disseminated to owners of  
34 crop operations, as provided in Iowa Code chapter  
35 717A. The security plan or production information  
36 includes important information, including possible  
37 restrictions, about the production and marketing of a  
38 crop grown from this seed.

39 In addition, the".

40 2. Page 4, by striking line 48, and inserting the  
41 following: "damages caused by contamination, if the  
42 seed dealer complies with applicable requirements of  
43 this section and any of the".

DERRYL McLAREN

**S-3366**

1 Amend House File 579 as follows:  
2 1. Page 1, by inserting after line 11, the  
3 following:  
4 "Sec. \_\_\_\_ Section 19A.32, Code 2001, is amended  
5 to read as follows:  
6 19A.32 WORKERS' COMPENSATION CLAIMS.  
7 The director shall employ appropriate staff to  
8 handle and adjust claims of state employees for  
9 workers' compensation benefits pursuant to chapters  
10 85, 85A, 85B, and 86, or with the approval of the  
11 executive council contract for the services or  
12 purchase workers' compensation insurance coverage for  
13 state employees or selected groups of state employees.  
14 A state employee workers' compensation fund is  
15 established to pay state employee workers'  
16 compensation claims and administrative costs. The  
17 department shall establish a rating formula and assess  
18 premiums to all agencies, departments, and divisions  
19 of the state including those which have not received  
20 an appropriation for the payment of workers'  
21 compensation insurance and which operate from moneys  
22 other than from the general fund of the state. The  
23 department shall collect the premiums and deposit them  
24 into the state employee workers' compensation fund.  
25 Notwithstanding section 8.33, moneys deposited in the  
26 state employee workers' compensation fund shall not  
27 revert to the general fund of the state at the end of  
28 any fiscal year, but shall remain in the state  
29 employee workers' compensation fund and be  
30 continuously available to pay state employee workers'  
31 compensation claims. The director of revenue and  
32 finance is authorized and directed to draw warrants on  
33 this fund for the payment of state employee workers'  
34 compensation claims may, to the extent practicable,  
35 contract with a private organization to handle the  
36 processing and payment of claims and services rendered  
37 under the provisions of this section."  
38 2. By renumbering as necessary.

STEVE KING

**S-3367**

1 Amend House File 502, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, by striking line 18, and inserting the  
4 following: "PROPERTY DAMAGE -- CRIMINAL PENALTIES."  
5 2. By striking page 5, line 13 through page 6,  
6 line 4.

- 7 3. Title page, line 3, by striking the words "and  
8 civil liability".  
9 4. By renumbering as necessary.

THOMAS FIEGEN

**S-3368**

- 1 Amend Senate File 514 as follows:  
2 1. Page 16, line 23, by striking the word "cash"  
3 and inserting the following: "generally accepted  
4 accounting principles".  
5 2. Page 17, line 13, by striking the word "cash"  
6 and inserting the following: "generally accepted  
7 accounting principles".

THOMAS FIEGEN

**S-3369**

- 1 Amend Senate File 514 as follows:  
2 1. Page 1, by striking lines 1 and 2.  
3 2. By striking page 5, line 22, through page 21,  
4 line 28, and inserting the following:  
5 "Sec. \_\_\_\_ NEW SECTION. 331.440B COUNTY LEVIES,  
6 FUNDS, BUDGETS, AND EXPENDITURES.  
7 For the fiscal year beginning July 1, 2002, this  
8 section and sections 331.440C through 331.440I shall  
9 apply to counties that, as of June 30, 2001, have less  
10 than a triple A bond rating.  
11 Sections 331.421, 331.423, 331.424C through  
12 331.426, do not apply to this part. References in the  
13 Code of Iowa to these sections do not apply to  
14 counties described in this section.  
15 Sec. \_\_\_\_ NEW SECTION. 331.440C DEFINITIONS.  
16 As used in this part, unless the context otherwise  
17 requires:  
18 1. "Committee" means the county finance committee  
19 established in chapter 333A.  
20 2. "Debt service" means expenditures for servicing  
21 the county's debt.  
22 3. "Debt service levy" means a levy authorized and  
23 limited by section 331.422, subsection 3.  
24 4. "Emergency services levy" means a levy  
25 authorized and limited by section 331.424C.  
26 5. "Fiscal year" means the period of twelve months  
27 beginning July 1 and ending on the following June 30.  
28 6. "General county services" means the services  
29 which are primarily intended to benefit all residents  
30 of a county, including secondary road services, but  
31 excluding services financed by other statutory funds.

32 7. "Item" means a budgeted expenditure,  
33 appropriation, or cash reserve from a fund for a  
34 service area, program, program element, or purpose.  
35 8. "Rural county services" means the services  
36 which are primarily intended to benefit those persons  
37 residing in the county outside of incorporated city  
38 areas, including secondary road services, but  
39 excluding services financed by other statutory funds.  
40 9. "Secondary road services" means the services  
41 related to secondary road construction and  
42 maintenance, excluding debt service and services  
43 financed by other statutory funds.  
44 Sec. \_\_. NEW SECTION. 331.440D PROPERTY TAX  
45 DOLLARS -- MAXIMUMS.  
46 1. Annually, the board shall determine separate  
47 property tax levy limits to pay for general county  
48 services and rural county services in accordance with  
49 this section. The property tax levies separately  
50 certified for general county services and rural county

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1 services in accordance with section 331.434 shall not  
2 exceed the amount determined under this section.  
3 2. For purposes of this section and section  
4 331.440E:  
5 a. "Annual price index" means the change, computed  
6 to four decimal places, between the preliminary price  
7 index for the third quarter of the calendar year  
8 preceding the calendar year in which the fiscal year  
9 starts and the revised price index for the third  
10 quarter of the previous calendar year as published in  
11 the same issue in which such preliminary price index  
12 is first published. The price index used shall be the  
13 state and local government chain-type price index used  
14 in the quantity and price indexes for gross domestic  
15 product as published by the United States department  
16 of commerce. The annual price index shall not be less  
17 than zero and shall not exceed four hundredths. The  
18 change shall then be added to one to create a  
19 multiplier for the annual price index.  
20 b. "Boundary adjustment" means annexation,  
21 severance, incorporation, or discontinuance as those  
22 terms are defined in section 368.1.  
23 c. "Budget year" is the fiscal year beginning  
24 during the calendar year in which a budget is first  
25 certified.  
26 d. "Current fiscal year" is the fiscal year ending  
27 during the calendar year in which a budget is first  
28 certified.  
29 e. "Local sales and services taxes" means local  
30 sales and services taxes imposed under the authority

31 of chapter 422B.

32 f. "Net new valuation taxes" means the amount of  
33 property tax dollars equal to the tentative maximum  
34 general rate for purposes of the general fund, or the  
35 tentative maximum rural rate for purposes of the rural  
36 services fund, times the increase from the previous  
37 fiscal year in taxable valuation due to the following:

38 (1) Net new construction.

39 (2) Additions or improvements to existing  
40 structures.

41 (3) Remodeling of existing structures for which a  
42 building permit is required.

43 (4) Net boundary adjustment.

44 (5) A municipality no longer dividing tax revenues  
45 in an urban renewal area as provided in section  
46 403.19, to the extent that the incremental valuation  
47 released is due to new construction or revaluation of  
48 property newly constructed after the division of  
49 revenue begins.

50 (6) That portion of taxable property located in an

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1 urban revitalization area on which an exemption was  
2 allowed and such exemption has expired.

3 g. "Property tax replacement dollars" means  
4 revenues received under sections 427B.17 through  
5 427B.19D, revenues received under chapter 437A,  
6 subchapter II, and amounts appropriated by the general  
7 assembly for property tax relief first enacted for  
8 fiscal years beginning on or after July 1, 2001.

9 h. "Tentative maximum general rate" means the  
10 amount calculated in subsection 3, paragraph "b",  
11 subparagraph (1), divided by the net taxable valuation  
12 in the county. For purposes of this paragraph, "net  
13 taxable valuation" is the amount of taxable valuation  
14 in the county minus the amount of taxable valuation  
15 used to calculate net new valuation taxes.

16 i. "Tentative maximum rural rate" means the amount  
17 calculated in subsection 3, paragraph "c",  
18 subparagraph (1), divided by the net taxable valuation  
19 in the unincorporated area of the county. For  
20 purposes of this paragraph, "net taxable valuation" is  
21 the amount of taxable valuation in the unincorporated  
22 area of the county minus the amount of taxable  
23 valuation in the unincorporated area of the county  
24 used to calculate net new valuation taxes.

25 j. "Unused taxing authority" means the maximum  
26 amount of property tax dollars calculated under  
27 subsection 3 for a fiscal year minus the amount  
28 actually levied under this section in that fiscal  
29 year. Unused taxing authority may be carried forward

30 to the following fiscal year. However, the amount of  
31 unused taxing authority which may be carried forward  
32 shall not exceed twenty-five percent of the maximum  
33 amount of property tax dollars available in the  
34 current fiscal year.

35 3. a. Effective for the fiscal year beginning  
36 July 1, 2002, the maximum amount of property tax  
37 dollars levied which may be certified by a county for  
38 general county services and rural county services  
39 shall be the tentative maximum property tax dollars  
40 calculated under paragraphs "b" and "c", respectively,  
41 and adjusted by the amounts in paragraphs "d", "e",  
42 and "f".

43 b. The tentative maximum property tax dollars for  
44 general county services is an amount equal to the sum  
45 of the following:

46 (1) The current fiscal year's tentative maximum  
47 property tax dollars for general county services minus  
48 the unused taxing authority carried forward from the  
49 previous fiscal year times the annual price index.

50 (2) The amount of net new valuation taxes.

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1 (3) The amount of unused taxing authority carried  
2 forward from the previous fiscal year.

3 c. The tentative maximum property tax dollars for  
4 rural county services is an amount equal to the sum of  
5 the following:

6 (1) The current fiscal year's tentative maximum  
7 property tax dollars for rural county services minus  
8 the unused taxing authority carried forward from the  
9 previous fiscal year times the annual price index.

10 (2) The amount of net new valuation taxes.

11 (3) The amount of unused taxing authority carried  
12 forward from the previous fiscal year.

13 d. Subtract the amount of property tax replacement  
14 dollars to be received for the budget year that will  
15 be deposited in the general fund or the rural services  
16 fund, as applicable.

17 e. Subtract the amount of local sales and services  
18 taxes for property tax relief estimated by the  
19 department of revenue and finance to be received for  
20 the budget year that will be deposited in the general  
21 fund or the rural services fund, as applicable.

22 f. Subtract the amount of local sales and services  
23 taxes received for property tax relief in the previous  
24 fiscal year for the county general fund and rural  
25 services fund, and add the amount of local sales and  
26 services taxes that was budgeted for property tax  
27 relief for each of those funds in that fiscal year.

28 3A. Property taxes certified for deposit in the

29 mental health, mental retardation, and developmental  
 30 disabilities services fund in section 331.424A, the  
 31 cemetery fund in section 331.440H, the county  
 32 supplemental funds in section 331.440I, and the debt  
 33 service fund in section 331.430, any capital projects  
 34 fund established by the county for deposit of bond,  
 35 loan, or note proceeds, and any temporary increase  
 36 approved pursuant to section 331.424 are not counted  
 37 against the maximum amount of property tax dollars  
 38 that may be certified for a fiscal year under  
 39 subsection 3.

40 4. The department of management shall adopt rules  
 41 to administer this section and section 331.423A after  
 42 consultation with the county finance committee.

43 Sec. \_\_. NEW SECTION. 331.440E BASE YEAR  
 44 PROPERTY TAX DOLLARS.

45 1. For purposes of calculating maximum property  
 46 tax dollars under section 331.423, the tentative  
 47 maximum property tax dollars for the fiscal year  
 48 beginning July 1, 2000, for general county services  
 49 shall be calculated as provided in this subsection.

50 a. The tentative maximum amount of property tax

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1 dollars for general county services for taxes payable  
 2 in the fiscal year beginning July 1, 2000, shall be an  
 3 amount equal to the sum of the following, divided by  
 4 three, and adjusted by the amounts in paragraph "b":  
 5 (1) The sum of the amount of property taxes levied  
 6 for general county services and the amount of property  
 7 tax replacement dollars received and the amount of  
 8 local sales and services tax revenues received as  
 9 property tax relief and deposited in the general fund,  
 10 all for the fiscal year beginning July 1, 1997, times  
 11 one and one hundred ten thousandths.

12 (2) The sum of the amount of property taxes levied  
 13 for general county services and the amount of property  
 14 tax replacement dollars received and the amount of  
 15 local sales and services tax revenues received as  
 16 property tax relief and deposited in the general fund,  
 17 all for the fiscal year beginning July 1, 1998, times  
 18 one and eighty-nine thousandths.

19 (3) The sum of the amount of property taxes levied  
 20 for general county services and the amount of property  
 21 tax replacement dollars received and the amount of  
 22 local sales and services tax revenues received as  
 23 property tax relief and deposited in the general fund,  
 24 all for the fiscal year beginning July 1, 1999, times  
 25 one and sixty-seven thousandths.

26 b. The amount computed under the formula in  
 27 paragraph "a" shall be adjusted by subtracting the

28 amount of the ending fund balance differential for  
29 general county services as provided in this paragraph.  
30 The ending fund balance differential for general  
31 county services is the difference between the general  
32 fund's ending balance for the fiscal year beginning  
33 July 1, 1999, and the general fund's ending balance  
34 for the fiscal year beginning July 1, 1996, divided by  
35 three.

36 2. For purposes of calculating maximum property  
37 tax dollars under section 331.423, the tentative  
38 maximum property tax dollars for the fiscal year  
39 beginning July 1, 2000, for rural county services  
40 shall be calculated as provided in this subsection.

41 a. The tentative maximum amount of property tax  
42 dollars for rural county services for taxes payable in  
43 the fiscal year beginning July 1, 2000, shall be an  
44 amount equal to the sum of the following, divided by  
45 three, and adjusted by the amounts in paragraph "b":

46 (1) The sum of the amount of property taxes levied  
47 for rural county services and the amount of property  
48 tax replacement dollars received and the amount of  
49 local sales and services tax revenues received as  
50 property tax relief and deposited in the rural

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1 services fund, all for the fiscal year beginning July  
2 1, 1997, times one and one hundred ten thousandths.

3 (2) The sum of the amount of property taxes levied  
4 for rural county services and the amount of property  
5 tax replacement dollars received and the amount of  
6 local sales and services tax revenues received as  
7 property tax relief and deposited in the rural

8 services fund, all for the fiscal year beginning July  
9 1, 1998, times one and eighty-nine thousandths.

10 (3) The sum of the amount of property taxes levied  
11 for rural county services and the amount of property  
12 tax replacement dollars received and the amount of  
13 local sales and services tax revenues received as  
14 property tax relief and deposited in the rural

15 services fund, all for the fiscal year beginning July  
16 1, 1999, times one and sixty-seven thousandths.

17 b. The amount computed under the formula in  
18 paragraph "a" shall be adjusted by subtracting the  
19 amount of the ending fund balance differential for  
20 rural county services as provided in this paragraph.  
21 The ending fund balance differential for rural county  
22 services is the difference between the rural services  
23 fund's ending balance for the fiscal year beginning  
24 July 1, 1999, and the rural services fund's ending  
25 balance for the fiscal year beginning July 1, 1996,  
26 divided by three.

27 3. a. The tentative maximum amount of property  
 28 tax dollars for general county services for taxes  
 29 payable in the fiscal year beginning July 1, 2001, is  
 30 an amount equal to the amount computed in subsection 1  
 31 times the annual price index plus the amount of net  
 32 new valuation taxes.

33 b. The tentative maximum amount of property tax  
 34 dollars for rural county services for taxes payable in  
 35 the fiscal year beginning July 1, 2001, is an amount  
 36 equal to the amount computed in subsection 2 times the  
 37 annual price index plus the amount of net new  
 38 valuation taxes.

39 4. Each county shall calculate its tentative  
 40 maximum property tax dollars under this section on  
 41 forms prescribed by the department of management.

42 Sec. \_\_. NEW SECTION. 331.440F ENDING FUND  
 43 BALANCE.

44 1. Budgeted ending fund balances for a fiscal year  
 45 in excess of twenty-five percent of budgeted  
 46 expenditures in either the general services fund or  
 47 rural county services fund for that fiscal year shall  
 48 be explicitly reserved or designated for a specific  
 49 purpose and specifically described in the certified  
 50 budget. The description shall include the projected

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1 date that the expenditures will be appropriated for  
 2 the specific purpose. In a protest to the county  
 3 budget under section 331.436, the county shall have  
 4 the burden of proving that the budgeted balances in  
 5 excess of twenty-five percent are reasonably likely to  
 6 be appropriated for the explicitly reserved or  
 7 designated specific purpose by the date identified in  
 8 the certified budget. The excess budgeted balance for  
 9 the specific purpose shall be considered an increase  
 10 in an item in the budget for purposes of section  
 11 24.28.

12 2. For the fiscal year beginning July 1, 2002, a  
 13 county may levy additional property taxes pursuant to  
 14 this subsection. The amount of the additional  
 15 property taxes which may be levied is equal to the  
 16 amount by which twenty-five percent of combined actual  
 17 expenditures for general county services and rural  
 18 county services in the fiscal year beginning July 1,  
 19 2000, exceeded the combined actual ending fund  
 20 balances for the general fund and the rural county  
 21 services fund in that fiscal year. The amount of the  
 22 additional property taxes shall be divided between the  
 23 general fund and the rural services fund in proportion  
 24 to the amount of actual expenditures for general  
 25 county services to total actual expenditures for

26 general and rural county services for the fiscal year  
 27 beginning July 1, 2000, and in proportion to the  
 28 amount of actual expenditures for rural county  
 29 services to total actual expenditures for general and  
 30 rural county services for the fiscal year beginning  
 31 July 1, 2000. However, the amount apportioned for  
 32 general county services and for rural county services  
 33 shall not exceed for each fund twenty-five percent of  
 34 actual expenditures for the fiscal year beginning July  
 35 1, 2000. All or a portion of the additional property  
 36 tax dollars may be levied for the purpose of  
 37 increasing cash reserves for general county services  
 38 and rural county services in the budget year. The  
 39 balance of the increase may be carried forward as  
 40 unused ending fund balance taxing authority until and  
 41 for the fiscal year beginning July 1, 2004. The  
 42 amount carried forward, when combined with unused  
 43 taxing authority shall not exceed twenty-five percent  
 44 of the maximum amount of property tax dollars  
 45 available in the current fiscal year. Additionally,  
 46 property taxes that are levied as unused taxing  
 47 authority under this subsection may be the subject of  
 48 a protest under section 331.436 and the amount will be  
 49 considered an increase in an item in the budget for  
 50 purposes of section 24.28. The amount of additional

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1 property taxes levied under this subsection shall not  
 2 be included in the computation of the maximum amount  
 3 of property tax dollars which may be certified and  
 4 levied under section 331.423.  
 5 Sec. \_\_\_\_ NEW SECTION. 331.440G AUTHORITY TO  
 6 LEVY BEYOND MAXIMUM PROPERTY TAX DOLLARS.  
 7 1. The board may certify additions to the maximum  
 8 amount of property tax dollars to be levied for a  
 9 period of time not to exceed two years if the  
 10 proposition has been submitted at a special election  
 11 and received a favorable majority of the votes cast on  
 12 the proposition.  
 13 2. The special election is subject to the  
 14 following:  
 15 a. The board must give at least thirty-two days'  
 16 notice to the county commissioner of elections that  
 17 the special election is to be held.  
 18 b. The special election shall be conducted by the  
 19 county commissioner of elections in accordance with  
 20 law.  
 21 c. The proposition to be submitted shall be  
 22 substantially in the following form:  
 23 "Vote "yes" or "no" on the following:  
 24 Shall the county of \_\_\_\_\_ levy for an additional

25 \$ \_\_\_\_\_ each year for \_\_\_ years beginning July 1,  
 26 \_\_\_\_\_, in excess of the statutory limits otherwise  
 27 applicable for the (general county services or rural  
 28 services) fund?"

29 d. The canvass shall be held beginning at one p.m.  
 30 on the second day which is not a holiday following the  
 31 special election.

32 e. Notice of the special election shall be  
 33 published at least once in a newspaper as specified in  
 34 section 331.305 prior to the date of the special  
 35 election. The notice shall appear as early as  
 36 practicable after the board has voted to seek  
 37 additional property tax dollars.

38 3. Registered voters in the county may vote on the  
 39 proposition to increase property taxes for the general  
 40 fund in excess of the statutory limit. Registered  
 41 voters residing outside the corporate limits of a city  
 42 within the county may vote on the proposition to  
 43 increase property taxes for the rural services fund in  
 44 excess of the statutory limit.

45 4. The amount of additional property tax dollars  
 46 certified under this subsection shall not be included  
 47 in the computation of the maximum amount of property  
 48 tax dollars which may be certified and levied under  
 49 section 331.423.

50 Sec. \_\_\_\_ NEW SECTION. 331.440H CEMETERY LEVY

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1 AND FUND.

2 The board may levy annually a tax not to exceed six  
 3 and three-fourths cents per thousand dollars of the  
 4 assessed value of all taxable property in the county  
 5 to repair and maintain all cemeteries under the  
 6 jurisdiction of the board including pioneer cemeteries  
 7 and to pay other expenses of the board or the cemetery  
 8 commission as provided in section 331.325. The  
 9 proceeds of the tax levy shall be credited to the  
 10 cemetery fund.

11 Sec. \_\_\_\_ Section 331.325, Code 2001, is amended  
 12 to read as follows:

13 331.325 CONTROL AND MAINTENANCE OF PIONEER  
 14 CEMETERIES -- CEMETERY COMMISSION.

15 1. As used in this section, "pioneer cemetery"  
 16 means a cemetery where there have been six or fewer  
 17 burials in the preceding fifty years.

18 2. Each county board of supervisors may adopt an  
 19 ordinance assuming jurisdiction and control of pioneer  
 20 cemeteries in the county. The board shall exercise  
 21 the powers and duties of township trustees relating to  
 22 the maintenance and repair of cemeteries in the county  
 23 as provided in sections 359.28 through 359.41 except

24 that the board shall not certify a tax levy pursuant  
25 to section 359.30 or 359.33 and except that the  
26 maintenance and repair of all cemeteries under the  
27 jurisdiction of the county including pioneer  
28 cemeteries shall be paid from the county general fund  
29 or the cemetery fund established in section 331.440H,  
30 if applicable. The maintenance and improvement  
31 program for a pioneer cemetery may include restoration  
32 and management of native prairie grasses and  
33 wildflowers.

34 3. In lieu of management of the cemeteries, the  
35 board of supervisors may create, by ordinance, a  
36 cemetery commission to assume jurisdiction and  
37 management of the pioneer cemeteries in the county.  
38 The ordinance shall delineate the number of  
39 commissioners, the appointing authority, the term of  
40 office, officers, employees, organizational matters,  
41 rules of procedure, compensation and expenses, and  
42 other matters deemed pertinent by the board. The  
43 board may delegate any power and duties relating to  
44 cemeteries which may otherwise be exercised by  
45 township trustees pursuant to sections 359.28 through  
46 359.41 to the cemetery commission except the  
47 commission shall not certify a tax levy pursuant to  
48 section 359.30 or 359.33 and except that the expenses  
49 of the cemetery commission shall be paid from the  
50 county general fund or the cemetery fund in section

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1 331.440H, if applicable.  
2 4. Notwithstanding sections 359.30 and 359.33, the  
3 costs of management, repair, and maintenance of  
4 pioneer cemeteries shall be paid from the county  
5 general fund or the cemetery fund in section 331.440H,  
6 if applicable.  
7 Sec. \_\_\_\_ Section 331.429, subsection 1, Code  
8 2001, is amended by adding the following new  
9 paragraph:  
10 **NEW PARAGRAPH.** f. Notwithstanding paragraphs "a"  
11 and "b", transfers from the general fund or rural  
12 services fund in accordance with this paragraph. If a  
13 county is participating in a pilot project under  
14 division IV, part 2A, the board may transfer  
15 additional funds from the general fund or rural  
16 services fund in excess of the amounts in paragraphs  
17 "a" and "b" if the proposition has been submitted at a  
18 special election and received a favorable majority of  
19 the votes cast on the proposition. The board shall  
20 direct the county commissioner of elections to submit  
21 the proposition at an election. The board must give  
22 at least thirty-two days' notice to the county

23 commissioner of elections that the special election is  
 24 to be held. For a transfer from the general fund,  
 25 registered voters of the county may vote on the  
 26 proposition. For a transfer from the rural services  
 27 fund, registered voters of the county residing outside  
 28 the corporate limits of a city within the county may  
 29 vote on the proposition. The proposition to be  
 30 submitted shall be substantially in the following  
 31 form:

32 "Vote "yes" or "no" on the following question:  
 33 Shall the county of \_\_\_\_\_ transfer an additional  
 34 \$\_\_\_\_\_ each year for two years beginning July 1,  
 35 \_\_\_\_, from the (general fund or rural services fund)  
 36 to the secondary road fund?"

37 Notice of the special election shall be published  
 38 at least once in a newspaper in the manner provided in  
 39 section 331.305. Notice of the special election shall  
 40 appear as early as practicable after the board has  
 41 voted to transfer funds from the general fund or rural  
 42 services fund to the secondary road fund.

43 If a majority of the votes cast are in favor of the  
 44 proposition, the board shall certify the results of  
 45 the election to the department of management and  
 46 transfer the approved amount to the secondary road  
 47 fund in the appropriate fiscal year.

48 Sec. \_\_. NEW SECTION. 331.440I COUNTY  
 49 SUPPLEMENTAL FUNDS.

50 A county may establish county supplemental funds

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1 for the following purposes:  
 2 1. Accounting for pension and related employee  
 3 benefit funds as provided by the county finance  
 4 committee. A county may certify taxes to be levied  
 5 for a county supplemental fund in the amount necessary  
 6 to meet its obligations.  
 7 2. Accounting for gifts received by the county for  
 8 a particular purpose.  
 9 3. Accounting for money and property received and  
 10 handled by the county as trustee or custodian or in  
 11 the capacity of an agent.  
 12 4. Accounting for tort liability insurance,  
 13 property insurance, and any other insurance that may  
 14 be necessary in the operation of the county, costs of  
 15 a self-insurance program, costs of a local government  
 16 risk pool, and amounts payable under any insurance  
 17 agreements to provide or procure such insurance, self-  
 18 insurance program, or local government risk pool."

19 3. By renumbering and correcting internal  
20 references as necessary.

ROBERT E. DVORSKY  
WALLY E. HORN

### S-3370

1 Amend House File 656, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 7, by striking lines 12 through 22 and  
4 inserting the following: "constructed after July 1,  
5 1999. ~~In lieu of requiring construction of a storm~~  
6 ~~shelter, a county may require a park owner to provide~~  
7 ~~a plan for the evacuation of park residents to a safe~~  
8 ~~place of shelter in times of severe weather including~~  
9 ~~tornadoes and high winds if the county determines that~~  
10 ~~a safe place of shelter is available within a~~  
11 ~~reasonable distance of the mobile home park for use by~~  
12 ~~park residents. Each evacuation plan prepared~~  
13 ~~pursuant to this subsection shall be filed with, and~~  
14 ~~approved by, the local emergency management agency.~~  
15 If construction of a storm".  
16 2. By striking page 8, line 34, through page 9,  
17 line 9, and inserting the following: "1, 1999. ~~In~~  
18 ~~lieu of requiring construction of a storm shelter, a~~  
19 ~~city may require a park owner to provide a plan for~~  
20 ~~the evacuation of park residents to a safe place of~~  
21 ~~shelter in times of severe weather including tornadoes~~  
22 ~~and high winds if the city determines that a safe~~  
23 ~~place of shelter is available within a reasonable~~  
24 ~~distance of the mobile home park for use by park~~  
25 ~~residents. Each evacuation plan prepared pursuant to~~  
26 ~~this subsection shall be filed with, and approved by,~~  
27 ~~the local emergency management agency. If~~  
28 construction of a storm shelter is required, an".

O. GENE MADDOX

### S-3371

1 Amend House File 579, as passed by the House, as  
2 follows:  
3 1. Page 1, line 12, by striking the words and  
4 figures "subsection 2, Code 2001, is" and inserting  
5 the following: "subsections 2 and 3, Code 2001, are".  
6 2. Page 1, line 15, by inserting after the word  
7 "action" the following: "diversity and  
8 multicultural".  
9 3. Page 1, line 17, by striking the word  
10 "governor." and inserting the following: "governor

- 11 and the general assembly. The report shall include  
 12 information identifying funding sources and itemized  
 13 costs, including administrative costs, for these  
 14 programs."  
 15 4. Page 1, by inserting after line 17, the  
 16 following:  
 17 "3. The state board of regents shall submit an  
 18 annual report of the affirmative action, diversity,  
 19 and multicultural accomplishments of the board and its  
 20 institutions by January 31 of each year to the  
 21 ~~department of management~~ general assembly. The report  
 22 shall include information identifying funding sources  
 23 and itemized costs, including administrative costs,  
 24 for these programs."  
 25 5. Title page, page 2, by inserting after the  
 26 word "personnel" the following: "and the state board  
 27 of regents".  
 28 6. By renumbering as necessary.

STEVE KING  
 DAVID MILLER  
 KITTY REHBERG  
 MARK ZIEMAN  
 NEAL SCHUERER  
 JEFF ANGELO  
 LARRY McKIBBEN  
 JEFF LAMBERTI  
 PAUL McKINLEY  
 NANCY BOETTGER  
 JERRY BEHN

### S-3372

- 1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 6, by striking line 5, and inserting the  
 4 following:  
 5 "\_\_\_ A person who violates this section as it  
 6 applies to a research crop or crop operation".  
 7 2. Page 6, by striking line 18, and inserting the  
 8 following:  
 9 "\_\_\_ A person who violates this section as it  
 10 applies to a crop other than a research crop".  
 11 3. By renumbering as necessary.

SANDRA GREINER

### S-3373

- 1 Amend Senate File 514 as follows:  
 2 1. By striking page 5, line 22, through page 15,

3 line 18, and inserting the following:

4 "Sec. \_\_\_\_ NEW SECTION. 331.440B COUNTY LEVIES,  
5 FUNDS, BUDGETS, AND EXPENDITURES.

6 For the fiscal year beginning July 1, 2002, this  
7 section and sections 331.440C through 331.440I shall  
8 apply to counties that, as of June 30, 2001, have less  
9 than a triple A bond rating.

10 Sections 331.421, 331.423, 331.424C through  
11 331.426, do not apply to this part. References in the  
12 Code of Iowa to these sections do not apply to  
13 counties described in this section.

14 Sec. \_\_\_\_ NEW SECTION. 331.440C DEFINITIONS.

15 As used in this part, unless the context otherwise  
16 requires:

17 1. "Committee" means the county finance committee  
18 established in chapter 333A.

19 2. "Debt service" means expenditures for servicing  
20 the county's debt.

21 3. "Debt service levy" means a levy authorized and  
22 limited by section 331.422, subsection 3.

23 4. "Emergency services levy" means a levy  
24 authorized and limited by section 331.424C.

25 5. "Fiscal year" means the period of twelve months  
26 beginning July 1 and ending on the following June 30.

27 6. "General county services" means the services  
28 which are primarily intended to benefit all residents  
29 of a county, including secondary road services, but  
30 excluding services financed by other statutory funds.

31 7. "Item" means a budgeted expenditure,  
32 appropriation, or cash reserve from a fund for a  
33 service area, program, program element, or purpose.

34 8. "Rural county services" means the services  
35 which are primarily intended to benefit those persons  
36 residing in the county outside of incorporated city  
37 areas, including secondary road services, but  
38 excluding services financed by other statutory funds.

39 9. "Secondary road services" means the services  
40 related to secondary road construction and  
41 maintenance, excluding debt service and services  
42 financed by other statutory funds.

43 Sec. \_\_\_\_ NEW SECTION. 331.440D PROPERTY TAX  
44 DOLLARS -- MAXIMUMS.

45 1. Annually, the board shall determine separate  
46 property tax levy limits to pay for general county  
47 services and rural county services in accordance with  
48 this section. The property tax levies separately  
49 certified for general county services and rural county  
50 services in accordance with section 331.434 shall not

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- 1 exceed the amount determined under this section.  
2 2. For purposes of this section and section  
3 331.440E:
- 4 a. "Annual price index" means the change, computed  
5 to four decimal places, between the preliminary price  
6 index for the third quarter of the calendar year  
7 preceding the calendar year in which the fiscal year  
8 starts and the revised price index for the third  
9 quarter of the previous calendar year as published in  
10 the same issue in which such preliminary price index  
11 is first published. The price index used shall be the  
12 state and local government chain-type price index used  
13 in the quantity and price indexes for gross domestic  
14 product as published by the United States department  
15 of commerce. The annual price index shall not be less  
16 than zero and shall not exceed four hundredths. The  
17 change shall then be added to one to create a  
18 multiplier for the annual price index.
- 19 b. "Boundary adjustment" means annexation,  
20 severance, incorporation, or discontinuance as those  
21 terms are defined in section 368.1.
- 22 c. "Budget year" is the fiscal year beginning  
23 during the calendar year in which a budget is first  
24 certified.
- 25 d. "Current fiscal year" is the fiscal year ending  
26 during the calendar year in which a budget is first  
27 certified.
- 28 e. "Local sales and services taxes" means local  
29 sales and services taxes imposed under the authority  
30 of chapter 422B.
- 31 f. "Net new valuation taxes" means the amount of  
32 property tax dollars equal to the tentative maximum  
33 general rate for purposes of the general fund, or the  
34 tentative maximum rural rate for purposes of the rural  
35 services fund, times the increase from the previous  
36 fiscal year in taxable valuation due to the following:
- 37 (1) Net new construction.  
38 (2) Additions or improvements to existing  
39 structures.  
40 (3) Remodeling of existing structures for which a  
41 building permit is required.  
42 (4) Net boundary adjustment.  
43 (5) A municipality no longer dividing tax revenues  
44 in an urban renewal area as provided in section  
45 403.19, to the extent that the incremental valuation  
46 released is due to new construction or revaluation of  
47 property newly constructed after the division of  
48 revenue begins.  
49 (6) That portion of taxable property located in an  
50 urban revitalization area on which an exemption was

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- 1 allowed and such exemption has expired.
- 2 g. "Property tax replacement dollars" means  
3 revenues received under sections 427B.17 through  
4 427B.19D, revenues received under chapter 437A,  
5 subchapter II, and amounts appropriated by the general  
6 assembly for property tax relief first enacted for  
7 fiscal years beginning on or after July 1, 2001.
- 8 h. "Tentative maximum general rate" means the  
9 amount calculated in subsection 3, paragraph "b",  
10 subparagraph (1), divided by the net taxable valuation  
11 in the county. For purposes of this paragraph, "net  
12 taxable valuation" is the amount of taxable valuation  
13 in the county minus the amount of taxable valuation  
14 used to calculate net new valuation taxes.
- 15 i. "Tentative maximum rural rate" means the amount  
16 calculated in subsection 3, paragraph "c",  
17 subparagraph (1), divided by the net taxable valuation  
18 in the unincorporated area of the county. For  
19 purposes of this paragraph, "net taxable valuation" is  
20 the amount of taxable valuation in the unincorporated  
21 area of the county minus the amount of taxable  
22 valuation in the unincorporated area of the county  
23 used to calculate net new valuation taxes.
- 24 j. "Unused taxing authority" means the maximum  
25 amount of property tax dollars calculated under  
26 subsection 3 for a fiscal year minus the amount  
27 actually levied under this section in that fiscal  
28 year. Unused taxing authority may be carried forward  
29 to the following fiscal year. However, the amount of  
30 unused taxing authority which may be carried forward  
31 shall not exceed twenty-five percent of the maximum  
32 amount of property tax dollars available in the  
33 current fiscal year.
- 34 3. a. Effective for the fiscal year beginning  
35 July 1, 2002, the maximum amount of property tax  
36 dollars levied which may be certified by a county for  
37 general county services and rural county services  
38 shall be the tentative maximum property tax dollars  
39 calculated under paragraphs "b" and "c", respectively,  
40 and adjusted by the amounts in paragraphs "d", "e",  
41 and "f".
- 42 b. The tentative maximum property tax dollars for  
43 general county services is an amount equal to the sum  
44 of the following:
- 45 (1) The current fiscal year's tentative maximum  
46 property tax dollars for general county services minus  
47 the unused taxing authority carried forward from the  
48 previous fiscal year times the annual price index.
- 49 (2) The amount of net new valuation taxes.
- 50 (3) The amount of unused taxing authority carried

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- 1 forward from the previous fiscal year.
- 2 c. The tentative maximum property tax dollars for  
3 rural county services is an amount equal to the sum of  
4 the following:
- 5 (1) The current fiscal year's tentative maximum  
6 property tax dollars for rural county services minus  
7 the unused taxing authority carried forward from the  
8 previous fiscal year times the annual price index.
- 9 (2) The amount of net new valuation taxes.
- 10 (3) The amount of unused taxing authority carried  
11 forward from the previous fiscal year.
- 12 d. Subtract the amount of property tax replacement  
13 dollars to be received for the budget year that will  
14 be deposited in the general fund or the rural services  
15 fund, as applicable.
- 16 e. Subtract the amount of local sales and services  
17 taxes for property tax relief estimated by the  
18 department of revenue and finance to be received for  
19 the budget year that will be deposited in the general  
20 fund or the rural services fund, as applicable.
- 21 f. Subtract the amount of local sales and services  
22 taxes received for property tax relief in the previous  
23 fiscal year for the county general fund and rural  
24 services fund, and add the amount of local sales and  
25 services taxes that was budgeted for property tax  
26 relief for each of those funds in that fiscal year.
- 27 3A. Property taxes certified for deposit in the  
28 mental health, mental retardation, and developmental  
29 disabilities services fund in section 331.424A, the  
30 cemetery fund in section 331.440H, the county  
31 supplemental funds in section 331.440I, and the debt  
32 service fund in section 331.430, any capital projects  
33 fund established by the county for deposit of bond,  
34 loan, or note proceeds, and any temporary increase  
35 approved pursuant to section 331.424 are not counted  
36 against the maximum amount of property tax dollars  
37 that may be certified for a fiscal year under  
38 subsection 3.
- 39 4. The department of management shall adopt rules  
40 to administer this section and section 331.423A after  
41 consultation with the county finance committee.
- 42 Sec. \_\_. NEW SECTION. 331.440E BASE YEAR  
43 PROPERTY TAX DOLLARS.
- 44 1. For purposes of calculating maximum property  
45 tax dollars under section 331.423, the tentative  
46 maximum property tax dollars for the fiscal year  
47 beginning July 1, 2000, for general county services  
48 shall be calculated as provided in this subsection.
- 49 a. The tentative maximum amount of property tax  
50 dollars for general county services for taxes payable

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1 in the fiscal year beginning July 1, 2000, shall be an  
2 amount equal to the sum of the following, divided by  
3 three, and adjusted by the amounts in paragraph "b":

4 (1) The sum of the amount of property taxes levied  
5 for general county services and the amount of property  
6 tax replacement dollars received and the amount of  
7 local sales and services tax revenues received as  
8 property tax relief and deposited in the general fund,  
9 all for the fiscal year".

10 2. Page 15, by striking lines 20 through 26, and  
11 inserting the following:

12 "(2) The sum of the amount of property taxes  
13 levied for general county services and the amount of  
14 property tax replacement dollars received and the  
15 amount of local sales and services tax revenues  
16 received as property tax relief and deposited in the  
17 general fund, all for the fiscal year".

18 3. Page 15, by striking lines 28 through 34, and  
19 inserting the following:

20 "(3) The sum of the amount of property taxes  
21 levied for general county services and the amount of  
22 property tax replacement dollars received and the  
23 amount of local sales and services tax revenues  
24 received as property tax relief and deposited in the  
25 general fund, all for the fiscal year".

26 4. By striking page 16, line 1, through page 21,  
27 line 28, and inserting the following:

28 "b. The amount computed under the formula in  
29 paragraph "a" shall be adjusted by subtracting the  
30 amount of the ending fund balance differential for  
31 general county services as provided in this paragraph.  
32 The ending fund balance differential for general  
33 county services is the difference between the general  
34 fund's ending balance for the fiscal year beginning  
35 July 1, 1999, and the general fund's ending balance  
36 for the fiscal year beginning July 1, 1996, divided by  
37 three.

38 2. For purposes of calculating maximum property  
39 tax dollars under section 331.423, the tentative  
40 maximum property tax dollars for the fiscal year  
41 beginning July 1, 2000, for rural county services  
42 shall be calculated as provided in this subsection.

43 a. The tentative maximum amount of property tax  
44 dollars for rural county services for taxes payable in  
45 the fiscal year beginning July 1, 2000, shall be an  
46 amount equal to the sum of the following, divided by  
47 three, and adjusted by the amounts in paragraph "b":

48 (1) The sum of the amount of property taxes levied  
49 for rural county services and the amount of property  
50 tax replacement dollars received and the amount of

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1 local sales and services tax revenues received as  
 2 property tax relief and deposited in the rural  
 3 services fund, all for the fiscal year beginning July  
 4 1, 1997, times one and one hundred ten thousandths.

5 (2) The sum of the amount of property taxes levied  
 6 for rural county services and the amount of property  
 7 tax replacement dollars received and the amount of  
 8 local sales and services tax revenues received as  
 9 property tax relief and deposited in the rural  
 10 services fund, all for the fiscal year beginning July  
 11 1, 1998, times one and eighty-nine thousandths.

12 (3) The sum of the amount of property taxes levied  
 13 for rural county services and the amount of property  
 14 tax replacement dollars received and the amount of  
 15 local sales and services tax revenues received as  
 16 property tax relief and deposited in the rural  
 17 services fund, all for the fiscal year beginning July  
 18 1, 1999, times one and sixty-seven thousandths.

19 b. The amount computed under the formula in  
 20 paragraph "a" shall be adjusted by subtracting the  
 21 amount of the ending fund balance differential for  
 22 rural county services as provided in this paragraph.  
 23 The ending fund balance differential for rural county  
 24 services is the difference between the rural services  
 25 fund's ending balance for the fiscal year beginning  
 26 July 1, 1999, and the rural services fund's ending  
 27 balance for the fiscal year beginning July 1, 1996,  
 28 divided by three.

29 3. a. The tentative maximum amount of property  
 30 tax dollars for general county services for taxes  
 31 payable in the fiscal year beginning July 1, 2001, is  
 32 an amount equal to the amount computed in subsection 1  
 33 times the annual price index plus the amount of net  
 34 new valuation taxes.

35 b. The tentative maximum amount of property tax  
 36 dollars for rural county services for taxes payable in  
 37 the fiscal year beginning July 1, 2001, is an amount  
 38 equal to the amount computed in subsection 2 times the  
 39 annual price index plus the amount of net new  
 40 valuation taxes.

41 4. Each county shall calculate its tentative  
 42 maximum property tax dollars under this section on  
 43 forms prescribed by the department of management.

44 Sec. \_\_. NEW SECTION. 331.440F ENDING FUND  
 45 BALANCE.

46 1. Budgeted ending fund balances for a fiscal year  
 47 in excess of twenty-five percent of budgeted  
 48 expenditures in either the general services fund or  
 49 rural county services fund for that fiscal year shall  
 50 be explicitly reserved or designated for a specific

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1 purpose and specifically described in the certified  
2 budget. The description shall include the projected  
3 date that the expenditures will be appropriated for  
4 the specific purpose. In a protest to the county  
5 budget under section 331.436, the county shall have  
6 the burden of proving that the budgeted balances in  
7 excess of twenty-five percent are reasonably likely to  
8 be appropriated for the explicitly reserved or  
9 designated specific purpose by the date identified in  
10 the certified budget. The excess budgeted balance for  
11 the specific purpose shall be considered an increase  
12 in an item in the budget for purposes of section  
13 24.28.

14 2. For the fiscal year beginning July 1, 2002, a  
15 county may levy additional property taxes pursuant to  
16 this subsection. The amount of the additional  
17 property taxes which may be levied is equal to the  
18 amount by which twenty-five percent of combined actual  
19 expenditures for general county services and rural  
20 county services in the fiscal year beginning July 1,  
21 2000, exceeded the combined actual ending fund  
22 balances for the general fund and the rural county  
23 services fund in that fiscal year. The amount of the  
24 additional property taxes shall be divided between the  
25 general fund and the rural services fund in proportion  
26 to the amount of actual expenditures for general  
27 county services to total actual expenditures for  
28 general and rural county services for the fiscal year  
29 beginning July 1, 2000, and in proportion to the  
30 amount of actual expenditures for rural county  
31 services to total actual expenditures for general and  
32 rural county services for the fiscal year beginning  
33 July 1, 2000. However, the amount apportioned for  
34 general county services and for rural county services  
35 shall not exceed for each fund twenty-five percent of  
36 actual expenditures for the fiscal year beginning July  
37 1, 2000. All or a portion of the additional property  
38 tax dollars may be levied for the purpose of  
39 increasing cash reserves for general county services  
40 and rural county services in the budget year. The  
41 balance of the increase may be carried forward as  
42 unused ending fund balance taxing authority until and  
43 for the fiscal year beginning July 1, 2004. The  
44 amount carried forward, when combined with unused  
45 taxing authority shall not exceed twenty-five percent  
46 of the maximum amount of property tax dollars  
47 available in the current fiscal year. Additionally,  
48 property taxes that are levied as unused taxing  
49 authority under this subsection may be the subject of  
50 a protest under section 331.436 and the amount will be

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1 considered an increase in an item in the budget for  
2 purposes of section 24.28. The amount of additional  
3 property taxes levied under this subsection shall not  
4 be included in the computation of the maximum amount  
5 of property tax dollars which may be certified and  
6 levied under section 331.423.

7 Sec. \_\_\_\_ NEW SECTION. 331.440G AUTHORITY TO  
8 LEVY BEYOND MAXIMUM PROPERTY TAX DOLLARS.

9 1. The board may certify additions to the maximum  
10 amount of property tax dollars to be levied for a  
11 period of time not to exceed two years if the  
12 proposition has been submitted at a special election  
13 and received a favorable majority of the votes cast on  
14 the proposition.

15 2. The special election is subject to the  
16 following:

17 a. The board must give at least thirty-two days'  
18 notice to the county commissioner of elections that  
19 the special election is to be held.

20 b. The special election shall be conducted by the  
21 county commissioner of elections in accordance with  
22 law.

23 c. The proposition to be submitted shall be  
24 substantially in the following form:

25 "Vote "yes" or "no" on the following:

26 Shall the county of \_\_\_\_\_ levy for an additional  
27 \$\_\_\_\_\_ each year for \_\_\_ years beginning July 1,  
28 \_\_\_\_\_, in excess of the statutory limits otherwise  
29 applicable for the (general county services or rural  
30 services) fund?"

31 d. The canvass shall be held beginning at one p.m.  
32 on the second day which is not a holiday following the  
33 special election.

34 e. Notice of the special election shall be  
35 published at least once in a newspaper as specified in  
36 section 331.305 prior to the date of the special  
37 election. The notice shall appear as early as  
38 practicable after the board has voted to seek  
39 additional property tax dollars.

40 3. Registered voters in the county may vote on the  
41 proposition to increase property taxes for the general  
42 fund in excess of the statutory limit. Registered  
43 voters residing outside the corporate limits of a city  
44 within the county may vote on the proposition to  
45 increase property taxes for the rural services fund in  
46 excess of the statutory limit.

47 4. The amount of additional property tax dollars  
48 certified under this subsection shall not be included  
49 in the computation of the maximum amount of property  
50 tax dollars which may be certified and levied under

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1 section 331.423.

2 Sec. \_\_. NEW SECTION. 331.440H CEMETERY LEVY  
3 AND FUND.

4 The board may levy annually a tax not to exceed six  
5 and three-fourths cents per thousand dollars of the  
6 assessed value of all taxable property in the county  
7 to repair and maintain all cemeteries under the  
8 jurisdiction of the board including pioneer cemeteries  
9 and to pay other expenses of the board or the cemetery  
10 commission as provided in section 331.325. The  
11 proceeds of the tax levy shall be credited to the  
12 cemetery fund.

13 Sec. \_\_. Section 331.325, Code 2001, is amended  
14 to read as follows:

15 331.325 CONTROL AND MAINTENANCE OF PIONEER  
16 CEMETERIES -- CEMETERY COMMISSION.

17 1. As used in this section, "pioneer cemetery"  
18 means a cemetery where there have been six or fewer  
19 burials in the preceding fifty years.

20 2. Each county board of supervisors may adopt an  
21 ordinance assuming jurisdiction and control of pioneer  
22 cemeteries in the county. The board shall exercise  
23 the powers and duties of township trustees relating to  
24 the maintenance and repair of cemeteries in the county  
25 as provided in sections 359.28 through 359.41 except  
26 that the board shall not certify a tax levy pursuant  
27 to section 359.30 or 359.33 and except that the  
28 maintenance and repair of all cemeteries under the  
29 jurisdiction of the county including pioneer  
30 cemeteries shall be paid from the county general fund  
31 or the cemetery fund established in section 331.440H,  
32 if applicable. The maintenance and improvement  
33 program for a pioneer cemetery may include restoration  
34 and management of native prairie grasses and  
35 wildflowers.

36 3. In lieu of management of the cemeteries, the  
37 board of supervisors may create, by ordinance, a  
38 cemetery commission to assume jurisdiction and  
39 management of the pioneer cemeteries in the county.  
40 The ordinance shall delineate the number of  
41 commissioners, the appointing authority, the term of  
42 office, officers, employees, organizational matters,  
43 rules of procedure, compensation and expenses, and  
44 other matters deemed pertinent by the board. The  
45 board may delegate any power and duties relating to  
46 cemeteries which may otherwise be exercised by  
47 township trustees pursuant to sections 359.28 through  
48 359.41 to the cemetery commission except the  
49 commission shall not certify a tax levy pursuant to  
50 section 359.30 or 359.33 and except that the expenses

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1 of the cemetery commission shall be paid from the  
2 county general fund or the cemetery fund in section  
3 331.440H, if applicable.

4 4. Notwithstanding sections 359.30 and 359.33, the  
5 costs of management, repair, and maintenance of  
6 pioneer cemeteries shall be paid from the county  
7 general fund or the cemetery fund in section 331.440H,  
8 if applicable.

9 Sec. \_\_\_\_. Section 331.429, subsection 1, Code  
10 2001, is amended by adding the following new  
11 paragraph:

12 NEW PARAGRAPH. f. Notwithstanding paragraphs "a"  
13 and "b", transfers from the general fund or rural  
14 services fund in accordance with this paragraph. If a  
15 county is participating in a pilot project under  
16 division IV, part 2A, the board may transfer  
17 additional funds from the general fund or rural  
18 services fund in excess of the amounts in paragraphs  
19 "a" and "b" if the proposition has been submitted at a  
20 special election and received a favorable majority of  
21 the votes cast on the proposition. The board shall  
22 direct the county commissioner of elections to submit  
23 the proposition at an election. The board must give  
24 at least thirty-two days' notice to the county  
25 commissioner of elections that the special election is  
26 to be held. For a transfer from the general fund,  
27 registered voters of the county may vote on the  
28 proposition. For a transfer from the rural services  
29 fund, registered voters of the county residing outside  
30 the corporate limits of a city within the county may  
31 vote on the proposition. The proposition to be  
32 submitted shall be substantially in the following  
33 form:

34 "Vote "yes" or "no" on the following question:  
35 Shall the county of \_\_\_\_\_ transfer an additional  
36 \$\_\_\_\_\_ each year for two years beginning July 1,  
37 \_\_\_\_, from the (general fund or rural services fund)  
38 to the secondary road fund?"

39 Notice of the special election shall be published  
40 at least once in a newspaper in the manner provided in  
41 section 331.305. Notice of the special election shall  
42 appear as early as practicable after the board has  
43 voted to transfer funds from the general fund or rural  
44 services fund to the secondary road fund.

45 If a majority of the votes cast are in favor of the  
46 proposition, the board shall certify the results of  
47 the election to the department of management and  
48 transfer the approved amount to the secondary road  
49 fund in the appropriate fiscal year.

50 Sec. \_\_\_\_. NEW SECTION. 331.440I COUNTY

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1 SUPPLEMENTAL FUNDS.  
 2 A county may establish county supplemental funds  
 3 for the following purposes:  
 4 1. Accounting for pension and related employee  
 5 benefit funds as provided by the county finance  
 6 committee. A county may certify taxes to be levied  
 7 for a county supplemental fund in the amount necessary  
 8 to meet its obligations.  
 9 2. Accounting for gifts received by the county for  
 10 a particular purpose.  
 11 3. Accounting for money and property received and  
 12 handled by the county as trustee or custodian or in  
 13 the capacity of an agent.  
 14 4. Accounting for tort liability insurance,  
 15 property insurance, and any other insurance that may  
 16 be necessary in the operation of the county, costs of  
 17 a self-insurance program, costs of a local government  
 18 risk pool, and amounts payable under any insurance  
 19 agreements to provide or procure such insurance, self-  
 20 insurance program, or local government risk pool."  
 21 5. By renumbering and correcting internal  
 22 references as necessary.

ROBERT E. DVORSKY

### S-3374

#### HOUSE AMENDMENT TO SENATE FILE 349

1 Amend Senate File 349, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking line 26, and inserting the  
 4 following: "a".  
 5 2. Page 1, by striking lines 31 through 35 and  
 6 inserting the following:  
 7 "c. A person may initiate a complaint or  
 8 investigation under this section by providing  
 9 anonymous information to the board. The board shall  
 10 regard any anonymous information submitted to it as  
 11 confidential, pursuant to section 22.7, subsection 18,  
 12 until the board determines that there is no probable  
 13 cause to believe a violation has occurred, until the  
 14 board directs administrative resolution or informal  
 15 settlement of the matter, or until a notice of a  
 16 contested case proceeding is issued under subsection  
 17 9."

**S-3375**

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 356

1 Amend the Senate amendment, H-1478, to House File  
2 356, as passed by the House, as follows:  
3 1. Page 1, line 5, by striking the word "Sec.  
4 \_\_\_\_." and inserting the following: "Sec. 9."  
5 2. Page 1, by striking line 18 and inserting the  
6 following: "'courts.  
7 Sec. 10. Section 9 of this Act, being deemed of  
8 immediate importance, takes effect upon enactment and  
9 applies retroactively to February 28, 2001."  
10 \_\_\_\_\_. Title page, line 2, by inserting after the  
11 word "law" the following: "and providing an effective  
12 date and retroactive applicability"."

**S-3376**

HOUSE AMENDMENT TO  
SENATE FILE 346

1 Amend Senate File 346, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 1, the  
4 following:  
5 "Section 1. Section 232.68, subsection 2, Code  
6 2001, is amended by adding the following new  
7 paragraph:  
8 NEW PARAGRAPH. g. The commission of bestiality in  
9 the presence of a minor under section 717C.1 by a  
10 person who resides in a home with a child, as a result  
11 of the acts or omissions of a person responsible for  
12 the care of the child."  
13 2. Page 1, line 12, by striking the words "may  
14 shall" and inserting the following: "may".  
15 3. Page 1, by inserting after line 15, the  
16 following:  
17 "Sec. \_\_\_\_ NEW SECTION. 717C.1 BESTIALITY.  
18 1. For purposes of this section:  
19 a. "Animal" means any nonhuman vertebrate, either  
20 dead or alive.  
21 b. "Sex act" means any sexual contact between a  
22 person and an animal by penetration of the penis into  
23 the vagina or anus, contact between the mouth and  
24 genitalia, or by contact between the genitalia of one  
25 and the genitalia or anus of the other.  
26 2. A person who performs a sex act with an animal,  
27 is guilty of an aggravated misdemeanor.

28 3. Upon a conviction for a violation of this  
29 section, and in addition to any sentence authorized by  
30 law, the court shall require the person to submit to a  
31 psychological evaluation and treatment at the person's  
32 expense."

33 4. Page 2, by inserting after line 27 the  
34 following:

35 "Sec. \_\_\_\_ Section 904.310, Code 2001, is amended  
36 to read as follows:

37 904.310 CANTEENS.

38 The director may maintain a canteen at an  
39 institution under the director's jurisdiction for the  
40 sale to persons confined in the institution of items  
41 such as toilet articles, candy, tobacco products,  
42 notions, and other sundries, and may provide the  
43 necessary facilities, equipment, personnel, and  
44 merchandise for the canteen. The director shall  
45 specify the items to be sold in the canteen. The  
46 department may establish and maintain a permanent  
47 operating fund for each canteen. The fund shall  
48 consist of the receipts from the sale of commodities  
49 at the canteen and donations designated by inmates for  
50 reimbursement of victims' travel expenses. Any money

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1 in the fund over the amount needed to do normal  
2 business transactions, ~~and~~ to reimburse any accounts  
3 which have subsidized the canteen fund, and to  
4 reimburse victims' travel expenses, shall be  
5 considered profit. This money may remain in the  
6 canteen fund and be used for any purchase which the  
7 superintendent approves that will directly and  
8 collectively benefit the inmates of the institution or  
9 to reimburse victims' travel expenses."

10 5. Page 3, line 8, by inserting after the word  
11 "later." the following: "However, a recording of  
12 testimony involving any employee of the department  
13 shall continue to be filed and maintained until the  
14 employee no longer is employed by the department."

15 6. By striking page 3, line 9, through page 4,  
16 line 4.

17 7. Title page, line 2, by inserting after the  
18 word "officers," the following: "for the creation of  
19 a new criminal offense with a correctional impact,".

20 8. By renumbering as necessary.

## S-3377

HOUSE AMENDMENT TO  
SENATE FILE 458

1 Amend Senate File 458, passed by the Senate, as  
2 follows:

3 1. Page 5, line 17, by inserting after the word  
4 "determines" the following: "by clear and convincing  
5 evidence that".

6 2. Page 8, by inserting after line 35, the  
7 following:

8 "Sec. \_\_\_\_ Section 232.73, unnumbered paragraph 2,  
9 Code 2001, is amended to read as follows:

10 As used in this section and section in sections  
11 232.77 and 232.78, "medically relevant test" means a  
12 test that produces reliable results of exposure to  
13 cocaine, heroin, amphetamine, methamphetamine, or  
14 other illegal drugs, or combinations or derivatives  
15 ~~thereof of the illegal drugs~~, including a drug urine  
16 screen test.

17 Sec. \_\_\_\_ Section 232.78, subsection 1, paragraph  
18 b, Code 2001, is amended to read as follows:

19 b. It appears that the child's immediate removal  
20 is necessary to avoid imminent danger to the child's  
21 life or health. The circumstances or conditions  
22 indicating the presence of such imminent danger shall  
23 include but are not limited to any of the following:

24 (1) The refusal or failure of the person  
25 responsible for the care of the child to comply with  
26 the request of a peace officer, juvenile court  
27 officer, or child protection worker for such person to  
28 obtain and provide to the requester the results of a  
29 physical or mental examination of the child. The  
30 request for a physical examination of the child may  
31 specify the performance of a medically relevant test.

32 (2) The refusal or failure of the person  
33 responsible for the care of the child or a person  
34 present in the person's home to comply with a request  
35 of a peace officer, juvenile court officer, or child  
36 protection worker for such a person to submit to and  
37 provide to the requester the results of a medically  
38 relevant test of the person."

39 3. Page 12, by inserting after line 15 the  
40 following:

41 "Sec. \_\_\_\_ Section 232.102, subsection 12,  
42 unnumbered paragraph 1, Code 2001, is amended to read  
43 as follows:

44 If the court determines by clear and convincing  
45 evidence that aggravated circumstances exist, with  
46 written findings of fact based upon evidence in the  
47 record, the court may waive the requirement for making

48 reasonable efforts. The existence of aggravated  
49 circumstances is indicated by any of the following:"  
50 4. Page 13, by inserting after line 15 the

Page 2

1 following:

2 "Sec. 100. REHABILITATIVE TREATMENT SERVICES STAFF  
3 REQUIREMENTS.

4 1. Subject to federal requirements, the department  
5 of human services shall act to change the staff  
6 qualification requirements for rehabilitative  
7 treatment services provided under the medical  
8 assistance program that are applicable to those staff  
9 providing therapy and counseling services, and  
10 psychosocial evaluation and behavioral management  
11 services for children in therapeutic foster care.  
12 Under the change, such staff who have graduated from  
13 an accredited four-year college, institute, or  
14 university with a bachelor's degree in social work in  
15 a program that is accredited by the council on social  
16 work education shall not be required to have full-time  
17 experience in social work or experience in the  
18 delivery of human services in a public or private  
19 area.

20 2. If necessary to implement the change required  
21 by this section, the department shall submit a plan  
22 amendment or otherwise request authorization from the  
23 United States health care financing administration.  
24 In addition, as necessary to quickly implement the  
25 change, the department may adopt emergency rules under  
26 section 17A.4, subsection 2, and section 17A.5,  
27 subsection 2, paragraph "b", to implement the  
28 provisions of this section and the rules shall be  
29 effective immediately upon filing unless a later date  
30 is specified in the rules. Any rules adopted in  
31 accordance with this section shall also be published  
32 as a notice of intended action as provided in section  
33 17A.4.

34 Sec. \_\_\_\_ EFFECTIVE DATE. Section 100, of this  
35 division of this Act, relating to rehabilitative  
36 treatment services staff requirements, being deemed of  
37 immediate importance, takes effect upon enactment."

38 5. Page 14, by inserting after line 24 the  
39 following:

40 "DIVISION \_\_\_\_

41 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

42 Sec. \_\_\_\_ Section 135H.10, Code 2001, is amended  
43 by adding the following new subsection:

44 **NEW SUBSECTION.** 3. The department of human  
45 services and any other state agency shall not require  
46 a psychiatric medical institution for children to

47 collect client payments or otherwise enforce client  
 48 financial participation for the services provided by  
 49 the psychiatric institution.  
 50 Sec. \_\_\_\_ Section 135H.10, Code 2001, is amended

Page 3

1 by adding the following new subsection:  
 2 NEW SUBSECTION. 4. Unless expressly authorized in  
 3 statute, the department of human services shall not  
 4 include services provided by psychiatric medical  
 5 institutions for children in any managed care  
 6 contract."  
 7 6. Title page, line 5, by inserting after the  
 8 word "dispositions," the following: "psychiatric  
 9 medical institutions for children,".  
 10 7. Title page, line 5, by inserting after the  
 11 word "rights" the following: ", and providing an  
 12 effective date".  
 13 8. By renumbering, relettering, or redesignating  
 14 and correcting internal references as necessary.

### S-3378

#### HOUSE AMENDMENT TO SENATE FILE 62

1 Amend Senate File 62, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 24, by striking the word  
 4 "prepared," and inserting the following: "prepared;  
 5 packaged".

### S-3379

#### HOUSE AMENDMENT TO SENATE FILE 242

1 Amend Senate File 242, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 1 through 3, and  
 4 inserting the following:  
 5 "Section 1. NEW SECTION. 135B.7A PROCEDURES --  
 6 ORDERS.  
 7 The department shall adopt rules".  
 8 2. Page 1, by inserting after line 7, the  
 9 following:  
 10 "Sec. \_\_\_\_ Section 135B.7A is repealed June 30,  
 11 2007."  
 12 3. Title page, line 2, by inserting after the  
 13 word "hospitals" the following: "and providing for a

- 14 repeal".  
15 4. By renumbering as necessary.

**S-3380**HOUSE AMENDMENT TO  
SENATE FILE 222

- 1 Amend Senate File 222, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 10, by striking the word "eight"  
4 and inserting the following: "ten".

**S-3381**HOUSE AMENDMENT TO  
SENATE FILE 342

- 1 Amend Senate File 342, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 1, the  
4 following:  
5 "Section 1. Section 49.21, Code 2001, is amended  
6 by adding the following new unnumbered paragraph:  
7 The commissioner shall post a sign at the entrance  
8 to the polling place informing the voters that  
9 identification will be required before being allowed  
10 to vote. The sign shall contain a list of the  
11 acceptable forms of identification as those forms are  
12 specified in section 49.77.  
13 Sec. \_\_\_\_ Section 49.53, unnumbered paragraph 1,  
14 Code 2001, is amended to read as follows:  
15 The commissioner shall not less than four nor more  
16 than twenty days before the day of each election,  
17 except those for which different publication  
18 requirements are prescribed by law, publish notice of  
19 the election. The notice shall contain a facsimile of  
20 the portion of the ballot containing the first  
21 rotation as prescribed by section 49.31, subsection 2,  
22 and shall show the names of all candidates or nominees  
23 and the office each seeks, and all public questions,  
24 to be voted upon at the election. The sample ballot  
25 published as a part of the notice may at the  
26 discretion of the commissioner be reduced in size  
27 relative to the actual ballot but such reduction shall  
28 not cause upper case letters appearing on the  
29 published sample ballot to be less than five thirty-  
30 sixths of an inch high in candidates' names or in  
31 summaries of public measures. The notice shall also  
32 state the date of the election, the hours the polls  
33 will be open, the location of each polling place at

34 which voting is to occur in the election, the location  
 35 of the polling places designated as early ballot pick-  
 36 up sites, and the names of the precincts voting at  
 37 each polling place, but the statement need not set  
 38 forth any fact which is apparent from the portion of  
 39 the ballot appearing as a part of the same notice.  
 40 The notice shall also state that the voter must show  
 41 identification to be allowed to vote and shall list  
 42 the acceptable forms of identification as those forms  
 43 are specified in section 49.77. The notice shall  
 44 include the full text of all public measures to be  
 45 voted upon at the election. The notice shall also  
 46 include notice of testing required pursuant to  
 47 sections 52.9, 52.35, and 52.38."  
 48 2. Page 1, lines 1 and 2, by striking the words  
 49 and figure "unnumbered paragraph 2,".  
 50 3. Page 1, by striking lines 3 through 7, and

Page 2

1 inserting the following:  
 2 "~~3. A precinct election official shall require any~~  
 3 ~~person whose name does not appear on the election~~  
 4 ~~register as an active voter to show identification.~~  
 5 ~~Specific documents which are acceptable forms of~~  
 6 ~~identification shall be prescribed by the state~~  
 7 ~~commissioner.~~  
 8 A precinct election official ~~may~~ shall require of  
 9 the voter ~~unknown to the official, identification upon~~  
 10 ~~which the voter's signature or mark appears:~~ in the  
 11 form of one of the following:  
 12 a. A valid voter registration card.  
 13 b. A valid Iowa driver's license.  
 14 c. A valid nonoperator's identification card.  
 15 d. A valid identification card issued by a branch,  
 16 department, agency, or entity of the state of Iowa or  
 17 any other state or the United States authorized to  
 18 issue personal identification cards.  
 19 e. A valid United States passport.  
 20 f. A valid employee identification card.  
 21 g. A health insurance membership card.  
 22 h. A valid student identification card from a  
 23 public or private school.  
 24 i. A valid Iowa hunting or fishing license.  
 25 j. A valid United States military identification  
 26 card.  
 27 k. United States military discharge or separation  
 28 papers.  
 29 l. A United States military dependent  
 30 identification card.  
 31 m. A certified copy of the voter's birth  
 32 certificate.

- 33 n. A valid pilot's license.
- 34 o. A valid Iowa gun permit.
- 35 p. A valid social security card.
- 36 q. A certified copy of a naturalization document.
- 37 r. A marriage license or certificate.
- 38 s. A bureau of Indian affairs or Indian treaty
- 39 card.
- 40 t. A file-stamped decree of dissolution of
- 41 marriage or change of name of the voter.
- 42 **PARAGRAPH DIVIDED.** If identification is
- 43 established to the satisfaction of the precinct
- 44 election officials, the person ~~may~~ shall then be
- 45 allowed to vote."
- 46 4. Title page, lines 1 and 2, by striking the
- 47 words "containing a photograph".
- 48 5. By renumbering as necessary.

**S-3382**

- 1 Amend Senate File 528 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "Sec. \_\_\_\_ PUBLIC TRANSIT ASSISTANCE APPROPRIATION
- 5 -- INNOCENT LANDOWNERS FUND. Notwithstanding the
- 6 limited use of moneys in the innocent landowners fund,
- 7 there is appropriated from the innocent landowners
- 8 fund created in section 455G.21 to the state
- 9 department of transportation for the fiscal year
- 10 beginning July 1, 2001, and ending June 30, 2002, the
- 11 following amount for purposes of public transit
- 12 assistance under chapter 324A:
- 13 .....\$ 660,000"
- 14 2. By renumbering, redesignating, and correcting
- 15 internal references as necessary.

MIKE CONNOLLY

**S-3383**

- 1 Amend House File 696, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 9, by striking the word "if" and
- 4 inserting the following: "is".

MARY LOU FREEMAN

**S-3384**

- 1 Amend House File 687, as passed by the House, as
- 2 follows:
- 3 1. Page 4, by inserting after line 10, the

4 following:  
 5 "Sec. \_\_\_\_ Section 8.54, subsections 7 and 8, Code  
 6 2001, are amended by striking the subsections and  
 7 inserting in lieu thereof the following:  
 8 7. The governor shall transmit to the general  
 9 assembly, in accordance with section 8.21, a budget  
 10 which does not exceed the state general fund  
 11 expenditure limitation. The general assembly shall  
 12 pass a budget which does not exceed the state general  
 13 fund expenditure limitation. The governor shall not  
 14 transmit a budget with recommended appropriations in  
 15 excess of the state general fund expenditure  
 16 limitation and the general assembly shall not pass a  
 17 budget with appropriations in excess of the state  
 18 general fund expenditure limitation. In complying  
 19 with the requirements of this subsection, the governor  
 20 and the general assembly shall not rely on any  
 21 anticipated reversion of appropriations in order to  
 22 meet the state general fund expenditure limitation."  
 23 2. Title page, line 2, by inserting before the  
 24 word "strategic" the following: "the state budget and  
 25 expenditures,".

JEFF LAMBERTI

**S-3385**

HOUSE AMENDMENT TO  
 SENATE CONCURRENT RESOLUTION 24

1 Amend Senate Concurrent Resolution 24, as passed by  
 2 the Senate, as follows:  
 3 1. Page 1, line 6, by inserting after the words  
 4 "honoring the" the following: "architect,".  
 5 2. Page 1, line 29, by striking the word  
 6 "contractors" and inserting the following:  
 7 "architect, contractors,".  
 8 3. Page 2, line 2, by inserting after the word  
 9 "Capitol:" the following: "RDG Bussard Dikis;".

**S-3386**

1 Amend Senate File 491 as follows:  
 2 1. Page 1, line 13, by inserting after the word  
 3 "million" the following: ", two hundred fifty  
 4 thousand".  
 5 2. Page 1, line 15, by striking the words "five  
 6 million" and inserting the following: "six million,  
 7 two hundred fifty thousand".  
 8 3. Page 1, by striking lines 21 through 26, and  
 9 inserting the following: "surcharge."

- 10 4. Page 1, line 27, by striking the words "the
- 11 state."
- 12 5. Page 2, line 14, by inserting after the word
- 13 "state." the following: "If colocation at community
- 14 colleges if not feasible, the department shall
- 15 attempt, to the extent possible, to colocate offices
- 16 in the facilities of other government entities."
- 17 6. By renumbering as necessary.

JERRY BEHN

**S-3387**

- 1 Amend Senate File 527 as follows:
- 2 1. Page 1, line 18, by striking the figure
- 3 "113,792,166" and inserting the following:
- 4 "113,520,551".
- 5 2. Page 1, by inserting after line 18 the
- 6 following:
- 7 "For the juvenile victim restitution program:
- 8 .....\$ 210,291
- 9 For compensation of judicial hospitalization
- 10 referees:
- 11 .....\$ 589,053"
- 12 3. Page 4, by inserting after line 10 the
- 13 following:
- 14 "Sec. \_\_\_\_ Section 602.1304, subsection 2,
- 15 paragraph a, Code 2001, is amended to read as follows:
- 16 a. The enhanced court collections fund is created
- 17 in the state treasury under the authority of the
- 18 supreme court. The fund shall be separate from the
- 19 general fund of the state and the balance in the fund
- 20 shall not be considered part of the balance of the
- 21 general fund of the state. Notwithstanding section
- 22 8.33, moneys in the fund shall not revert to the
- 23 general fund, unless and to the extent the total
- 24 amount of moneys deposited into the fund in a fiscal
- 25 year would exceed the maximum annual deposit amount
- 26 established for the collections fund by the general
- 27 assembly. The initial maximum annual deposit amount
- 28 for a fiscal year is ~~four~~ three million four hundred
- 29 seventy-two thousand dollars. Notwithstanding section
- 30 12C.7, subsection 2, interest or earnings on moneys in
- 31 the collections fund shall remain in the collections
- 32 fund and any interest and earnings shall be in
- 33 addition to the maximum annual deposit amount."
- 34 4. By renumbering as necessary.

ROBERT E. DVORSKY

**S-3388**

- 1 Amend Senate File 528 as follows:  
2 1. Page 1, by inserting after line 1, the  
3 following:  
4 "MOTOR VEHICLE USE TAX REVENUES  
5 Sec. \_\_\_\_ Section 423.24, Code 2001, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 2A. Prior to the depositing and  
8 crediting of revenues derived from the use tax on  
9 motor vehicles, trailers, and motor vehicle  
10 accessories and equipment as collected pursuant to  
11 sections 423.7 and 423.7A in the manner described in  
12 subsections 1 and 2, sixteen million four hundred  
13 thousand dollars of the revenues shall be deposited  
14 and credited annually to the general fund of the  
15 state."  
16 2. By renumbering as necessary.

JEFF LAMBERTI

**S-3389**

- 1 Amend House File 674, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 273.10, subsection 3,  
6 unnumbered paragraph 2, Code 2001, is amended to read  
7 as follows:  
8 Approval, if granted, shall be for a term of ~~three~~  
9 five years. However, the state board may grant  
10 conditional approval for a term of less than ~~three~~  
11 five years if conditions warrant."  
12 2. Title page, line 1, by inserting after the  
13 word "the" the following: "accreditation and".  
14 3. By renumbering as necessary.

JOHN REDWINE  
STEVEN D. HANSEN**S-3390**

- 1 Amend House File 656, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 15, by striking lines 2 through 22.  
4 2. Title page, by striking lines 2 through 4, and  
5 inserting the following: "or mobile homes, and

6 providing coordinating amendments."  
 7 3. By renumbering as necessary.

JACK HOLVECK  
 ANDY McKEAN

**S-3391**

1 Amend Senate File 530 as follows:  
 2 1. Page 6, by striking line 6 and inserting the  
 3 following:  
 4 ".....\$ 32,689,447"  
 5 2. Page 6, by striking line 14 and inserting the  
 6 following:  
 7 ".....\$ 24,468,043"  
 8 3. Page 6, by striking line 24 and inserting the  
 9 following:  
 10 ".....\$ 22,399,908"  
 11 4. Page 6, by striking line 30 and inserting the  
 12 following:  
 13 ".....\$ 23,767,363"  
 14 5. Page 7, by striking line 3 and inserting the  
 15 following:  
 16 ".....\$ 22,192,522"  
 17 6. Page 7, by striking line 9 and inserting the  
 18 following:  
 19 ".....\$ 7,418,288"  
 20 7. Page 7, by striking line 15 and inserting the  
 21 following:  
 22 ".....\$ 18,442,768"  
 23 8. Page 7, by striking line 26 and inserting the  
 24 following:  
 25 ".....\$ 12,856,582"  
 26 9. Page 7, by striking line 32 and inserting the  
 27 following:  
 28 ".....\$ 25,963,004"  
 29 10. Page 8, by striking line 6 and inserting the  
 30 following:  
 31 ".....\$ 341,334"

EUGENE S. FRAISE  
 JOHNIE HAMMOND

**S-3392**

1 Amend House File 687, as passed by the House, as  
 2 follows:  
 3 1. Page 10, by inserting after line 9, the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 18.3, Code 2001, is amended by  
 6 adding the following new subsection:

7 NEW SUBSECTION. 2A. Approving and executing, in  
 8 accordance with rules adopted by the director, all  
 9 sole source contracts and all contracts with an  
 10 aggregate cost exceeding twenty thousand dollars, for  
 11 the purchase of equipment, supplies, or services, that  
 12 are proposed by a state agency, except for purchases  
 13 for equipment, supplies, or services used by the state  
 14 department of transportation, institutions under the  
 15 control of the state board of regents, the department  
 16 for the blind, and any other agencies exempted by law.  
 17 "Sole source contract" means a contract for the  
 18 purchase of equipment, supplies, or services that is  
 19 entered into or proposed to be entered into by a state  
 20 agency, after soliciting and negotiating with only one  
 21 source."

JEFF LAMBERTI

### S-3393

1 Amend Senate File 530 as follows:  
 2 1. Page 18, line 30, by striking the figure  
 3 "14,267,794" and inserting the following:  
 4 "14,793,660".  
 5 2. Page 18, line 35, by striking the figure  
 6 "20,339,965" and inserting the following:  
 7 "19,814,099".

JEFF ANGELO

### S-3394

1 Amend Senate File 530 as follows:  
 2 1. Page 2, line 31, by striking the word "GASA"  
 3 and inserting the following: "ODCP".  
 4 2. Page 12, by striking lines 6 through 12.  
 5 3. Page 18, by inserting after line 17 the  
 6 following:  
 7 "Sec. \_\_\_\_ STATE AGENCY PURCHASES FROM PRISON  
 8 INDUSTRIES.  
 9 1. As used in this section, unless the context  
 10 otherwise requires, "state agency" means the  
 11 government of the state of Iowa, including but not  
 12 limited to all executive branch departments, agencies,  
 13 boards, bureaus, and commissions, the judicial branch,  
 14 the general assembly and all legislative agencies,  
 15 institutions within the purview of the state board of  
 16 regents, and any corporation whose primary function is  
 17 to act as an instrumentality of the state.  
 18 2. State agencies are hereby encouraged to  
 19 purchase products from Iowa state industries, as

20 defined in section 904.802, when purchases are  
 21 required and the products are available from Iowa  
 22 state industries.

23 3. State agencies shall submit to the legislative  
 24 fiscal bureau by January 15, 2002, a report of the  
 25 dollar value of products and services purchased from  
 26 Iowa state industries by the state agency during the  
 27 fiscal year beginning July 1, 2000, and ending June  
 28 30, 2001."

29 4. Page 21, by striking lines 18 through 22 and  
 30 inserting the following: "Of the full-time equivalent  
 31 positions authorized in this subsection, the division  
 32 of criminal investigation may use 2.00 FTEs for the  
 33 establishment of an elderly crime unit if federal  
 34 funding is obtained. If federal funding is obtained  
 35 and subsequently discontinued, the 2.00 FTEs shall be  
 36 eliminated."

37 5. Page 26, line 34, by inserting after the word  
 38 "costs" the following: "as defined in the United  
 39 States marshal's service cost sheet for detention  
 40 services".

41 6. Page 27, by striking lines 4 through 23.

42 7. Page 28, line 1, by inserting after the word  
 43 "costs" the following: "as defined in the United  
 44 States marshal's service cost sheet for detention  
 45 services".

46 8. Page 28, line 12, by inserting after the word  
 47 "costs" the following: "as defined in the United  
 48 States marshal's service cost sheet for detention  
 49 services".

JEFF ANGELO

### S-3395

1 Amend Senate File 526 as follows:

- 2 1. Page 1, line 2, by striking the word
- 3 "paragraphs" and inserting the following:
- 4 "paragraph".
- 5 2. Page 1, by striking lines 9 through 11.

JACK HOLVECK

### S-3396

1 Amend the amendment, S-3362, to House File 643, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

- 4 1. Page 1, line 8, by striking the word "shall"
- 5 and inserting the following: "may".
- 6 2. Page 1, line 10, by striking the words "on

7 public school property" and inserting the following:  
 8 "through a public school".  
 9 3. Page 1, by striking lines 12 through 18 and  
 10 inserting the following: "of the school district.  
 11 The approved hunter safety and ethics education course  
 12 shall not be conducted within one thousand feet of an  
 13 attendance center or any other school building in  
 14 which classrooms are located.""

JOHNIE HAMMOND

**S-3397**

1 Amend House File 697, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by striking lines 24 through 27, and  
 4 inserting the following:  
 5 "c. One representative designated by the state  
 6 board of regents."

KITTY REHBERG

**S-3398**

1 Amend Senate File 527 as follows:  
 2 1. Page 4, by inserting after line 29 the  
 3 following:  
 4 "Sec. \_\_\_\_ ENHANCED COURT COLLECTIONS FUND-  
 5 JUDICIAL HOSPITALIZATION REFEREES. Notwithstanding  
 6 the requirements of section 602.1304 up to \$317,450 of  
 7 the moneys collected and deposited in the enhanced  
 8 court collections fund created in section 602.1304  
 9 during the fiscal year beginning July 1, 2001, may be  
 10 used by the court for compensation of judicial  
 11 hospitalization referees."

ROBERT E. DVORSKY  
 JEFF ANGELO

**S-3399**

1 Amend Senate File 531 as follows:  
 2 1. By striking page 14, line 25, through page 15,  
 3 line 2, and inserting the following:  
 4 "Sec. \_\_\_\_ STATE WORKERS' COMPENSATION CLAIMS.  
 5 There is appropriated from the general fund of the  
 6 state to the department of personnel for the fiscal  
 7 year beginning July 1, 2001, and ending June 30, 2002,  
 8 the following amount, or so much thereof as is  
 9 necessary, to be used for the purposes designated:  
 10 For distribution, subject to approval of the

11 department of management, to various state departments  
12 to fund the premiums for paying workers' compensation  
13 claims which are assessed to and collected from the  
14 state department by the department of personnel based  
15 upon a rating formula established by the department of  
16 personnel:

17 .....\$ 1,700,000

18 Notwithstanding section 8.39, subsections 1, 3, and  
19 4, the department of management may allocate the  
20 premium appropriated in this section to the  
21 appropriate offices, divisions, or subdivisions within  
22 each state department as necessary to pay workers'  
23 compensation premiums as recommended by the department  
24 of personnel.

25 The premiums collected by the department of  
26 personnel shall be segregated into a separate workers'  
27 compensation fund in the state treasury to be used for  
28 payment of state employees' workers' compensation  
29 claims. Notwithstanding section 8.33, unencumbered or  
30 unobligated moneys remaining in this workers'  
31 compensation fund at the end of the fiscal year shall  
32 not revert but shall be available for expenditure for  
33 purposes of the fund for subsequent fiscal years.

34 Any funds received by the department of personnel  
35 for workers' compensation purposes other than funds  
36 appropriated in this section shall be used for the  
37 payment of workers' compensation claims and  
38 administrative costs."

39 2. By renumbering as necessary.

TOM FLYNN

**S-3400**

1 Amend Senate File 531 as follows:

2 1. Page 9, line 21, by striking the figure  
3 "108.00" and inserting the following: "112.00".

4 2. By renumbering as necessary.

TOM FLYNN

**S-3401**

1 Amend Senate File 531 as follows:

2 1. Page 9, line 26, by striking the number  
3 "728,715" And inserting the following: "877,970".

TOM FLYNN

**S-3402**

- 1 Amend Senate File 531 as follows:
- 2 1. Page 9, line 21, by striking the figure
- 3 "108.00" and inserting the following: "111.00".
- 4 2. By renumbering as necessary.

TOM FLYNN

**S-3403**

- 1 Amend Senate File 531 as follows:
- 2 1. Page 9, line 20, by striking the figure
- 3 "2,473,611" and inserting the following: "2,579,075".

TOM FLYNN

**S-3404**

- 1 Amend Senate File 531 as follows:
- 2 1. Page 9, line 21, by striking the figure
- 3 "108.00" and inserting the following: "111.00".
- 4 2. By renumbering as necessary.

TOM FLYNN  
NEAL SCHUERER**S-3405**

- 1 Amend Senate File 531 as follows:
- 2 1. Page 9, line 20, by striking the figure
- 3 "2,473,611" and inserting the following: "2,579,075".
- 4 2. Page 9, line 21, by striking the figure
- 5 "108.00" and inserting the following: "112.00".

TOM FLYNN

**S-3406**

- 1 Amend the Senate amendment, S-3394, to Senate File
- 2 530 as follows:
- 3 1. Page 1, by striking lines 37 through 40 and
- 4 inserting the following:
- 5 "\_\_\_\_. Page 26, line 34, by striking the word
- 6 "costs" and inserting the following: "support
- 7 personnel costs as defined in the United States
- 8 marshal's service cost sheet for detention services"."
- 9 2. Page 1, by striking lines 42 through 49, and
- 10 inserting the following:
- 11 "\_\_\_\_. Page 28, line 1, by striking the word

- 12 "costs" and inserting the following: "support  
13 personnel costs as defined in the United States  
14 marshal's service cost sheet for detention services".  
15 \_\_\_\_ Page 28, line 12, by striking the word  
16 "costs" and inserting the following: "support  
17 personnel costs as defined in the United States  
18 marshal's service cost sheet for detention services"."  
19 3. By renumbering as necessary.

JEFF ANGELO

**S-3407**

- 1 Amend House File 670, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 13, by inserting after the figure  
4 "25." the following: "A nontraditional practitioner  
5 preparation program is exempt from the student  
6 teaching or field experience requirements of section  
7 272.25."  
8 2. Page 1, line 19, by inserting before the word  
9 "conditional" the following: "nontraditional".  
10 3. Page 1, by striking line 28 and inserting the  
11 following: "the practitioner's year of employment  
12 under a nontraditional conditional".  
13 4. Page 1, line 34, by inserting before the word  
14 "conditional" the following: "nontraditional".  
15 5. Page 2, line 2, by striking the figure and  
16 word "3A. "Conditional" and inserting the following:  
17 "5A. "Nontraditional conditional".  
18 6. Page 2, line 21, by inserting before the word  
19 "conditional" the following: "nontraditional".  
20 7. Page 2, line 27, by inserting before the word  
21 "conditional" the following: "nontraditional".  
22 8. Page 2, line 34, by striking the words "and  
23 who".  
24 9. Page 3, line 2, by inserting after the word  
25 "background," the following: "and can document, to  
26 the satisfaction of the state board of educational  
27 examiners, successful experience working with  
28 children,".  
29 10. Page 3, line 3, by inserting before the word  
30 "conditional" the following: "nontraditional".  
31 11. Page 3, line 4, by inserting after the word  
32 "twelve" the following: "in the area of the  
33 individual's academic background and employment  
34 experience".  
35 12. Page 3, line 7, by inserting after the figure  
36 "3." the following: "In addition to these  
37 requirements, an individual seeking a nontraditional  
38 conditional license to teach special education  
39 students in grades nine through twelve shall document,

40 to the satisfaction of the state board of educational  
 41 examiners, five years of successful experience working  
 42 with children requiring special education."  
 43 13. Page 3, line 8, by inserting after the word  
 44 "twelve" the following: "in the area of the  
 45 individual's academic background and employment  
 46 experience".  
 47 14. Page 3, line 10, by inserting before the word  
 48 "conditional" the following: "nontraditional".  
 49 15. Page 3, line 12, by inserting before the word  
 50 "conditional" the following: "nontraditional".

Page 2

1 16. Page 3, line 21, by inserting before the word  
 2 "conditional" the following: "nontraditional".  
 3 17. Page 4, striking lines 1 through 7 and  
 4 inserting the following:  
 5 "1. Compile and report, in consultation with the  
 6 board of educational examiners, information relating  
 7 to nontraditional practitioner preparation programs,  
 8 including the number of programs available and  
 9 geographic areas in which they are available, the  
 10 number of individuals who apply for a nontraditional  
 11 conditional license, the number of individuals  
 12 possessing a nontraditional conditional license who  
 13 apply for a provisional license, the subject areas in  
 14 which persons who possess nontraditional conditional  
 15 licenses are teaching and where they are teaching.  
 16 The department shall submit its findings and  
 17 recommendations in a report to the senate and house of  
 18 representatives standing committees on education by  
 19 December 1, 2002."  
 20 18. Page 4, by striking lines 12 and 13 and  
 21 inserting the following: "practitioner preparation  
 22 graduate programs. The institutions offering approved  
 23 practitioner preparation programs shall submit  
 24 information to the department as requested by the  
 25 department. The department shall submit its findings  
 26 and".  
 27 19. Page 4, by inserting after line 16, the  
 28 following:  
 29 "Sec. \_\_\_\_ PRACTITIONER PREPARATION CREDIT  
 30 TRANSFER STUDY. The state board of regents shall  
 31 conduct a study of the transfer of credits between  
 32 practitioner preparation institutions, both in-state  
 33 and out-of-state, to determine whether the transfer of  
 34 credits by practitioner preparation institutions is  
 35 fair and consistent. The state board shall collect  
 36 information relating to the transfer and acceptance of  
 37 credits from a representative sample of in-state and  
 38 out-of-state practitioner preparation institutions.

39 The state board shall identify actions that may be  
 40 taken to improve the ability of a student to transfer  
 41 credits earned in one practitioner preparation  
 42 institution to another. The state board shall submit  
 43 its findings and recommendations in a report to the  
 44 senate and house of representatives standing  
 45 committees on education by December 1, 2001."  
 46 20. By renumbering as necessary.

NANCY BOETTGER

**S-3408**

1 Amend Senate File 528 as follows:  
 2 1. Page 4, by inserting after line 18 the  
 3 following:  
 4 "\_\_\_\_. To rebuild the center islands and curbing on  
 5 Southeast Fourteenth street between Walnut street and  
 6 Army Post road in Des Moines:  
 7 .....\$ 500,000"  
 8 2. By renumbering, redesignating, and correcting  
 9 internal references as necessary.

MATT McCOY

**S-3409**

1 Amend House File 349, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 11 and 12, and  
 4 inserting the following: "company, or estate or  
 5 trust".  
 6 2. Page 1, by striking lines 18 and 19, and  
 7 inserting the following: "or estate or trust. For".  
 8 3. By striking page 1, line 31, through page 3,  
 9 line 3.  
 10 4. Page 5, by striking lines 16 and 17, and  
 11 inserting the following: "or estate or trust".  
 12 5. Page 5, by striking lines 22 through 24, and  
 13 inserting the following: "corporation, limited  
 14 liability company, or estate or trust."  
 15 6. Page 7, by striking lines 8 through 29.  
 16 7. By renumbering as necessary.

JOHN REDWINE

**S-3410**

1 Amend House File 696, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking everything after the enacting

4 clause and inserting the following:  
5 "Section 1. Section 96.7, subsection 12,  
6 paragraphs a, c, and d, Code 2001, are amended to read  
7 as follows:  
8 a. An employer other than a governmental entity or  
9 a nonprofit organization, subject to this chapter,  
10 shall pay an administrative contribution surcharge  
11 equal in amount to one-tenth of one percent of federal  
12 taxable wages, as defined in section 96.19, subsection  
13 37, paragraph "b". The department shall reduce the  
14 administrative contribution surcharge established for  
15 any calendar year proportionate to any federal  
16 government funding that provides an increased  
17 allocation of moneys for workforce development  
18 offices, under the federal employment services  
19 financing reform legislation. The department shall  
20 recompute the amount as a percentage of taxable wages,  
21 as defined in section 96.19, subsection 37, and shall  
22 add the percentage surcharge to the employer's  
23 contribution rate determined under this section. The  
24 percentage surcharge shall be capped at a maximum of  
25 seven dollars per employee. The department shall  
26 adopt rules prescribing the manner in which the  
27 surcharge will be collected. Interest shall accrue on  
28 all unpaid surcharges under this subsection at the  
29 same rate as on regular contributions and shall be  
30 collectible in the same manner. Interest accrued and  
31 collected under this paragraph and interest earned and  
32 credited to the fund under paragraph "b" shall be used  
33 by the department only for the purposes set forth in  
34 paragraph "c".  
35 c. Moneys in the fund shall be used by the  
36 department only upon appropriation by the general  
37 assembly and only for personnel and nonpersonnel costs  
38 of rural and satellite departmental offices ~~in~~  
39 ~~population centers of less than twenty thousand or for~~  
40 ~~the department approved training fund funded in~~  
41 ~~section 8, subsection 2, of 1988 Iowa Acts, chapter~~  
42 ~~1274.~~ To the extent possible, the department shall  
43 colocate the rural and satellite departmental offices  
44 funded by the surcharge provided for in this  
45 subsection at available community college facilities  
46 throughout the state. Moneys in the fund shall not be  
47 used for purposes other than those identified in this  
48 paragraph or identified in the appropriation of the  
49 moneys in the fund by the general assembly.  
50 d. This subsection is repealed July 1, ~~2001~~ 2004.

Page 2

1 and the repeal is applicable to contribution rates for  
2 calendar year ~~2002~~ 2005 and subsequent calendar years.

3 Sec. 2. RURAL AND SATELLITE DEPARTMENTAL OFFICES  
4 REVIEW. The department of workforce development shall  
5 establish performance measures for each workforce  
6 development office site based on the job seeker  
7 entered employment rate, the job seeker employment  
8 retention rate, the job seeker average wage at  
9 placement, the job seeker customer satisfaction  
10 rating, the number of employers served, and the  
11 employer customer satisfaction rating, and shall  
12 conduct an annual review of the performance measures.  
13 The department, in the annual departmental offices  
14 review, shall consider the feasibility of  
15 consolidating some of the rural and satellite  
16 departmental offices to better serve the public.  
17 The department shall prepare a report of its annual  
18 departmental offices review findings. The report  
19 shall contain information gathered in the review as  
20 well as information concerning the success of  
21 colocation efforts at community colleges throughout  
22 the state, the services provided to employers with  
23 fifty or fewer employees, the rent or lease costs  
24 associated with each office site and the building  
25 square footage at each office site, and efforts to  
26 pursue other funding sources.  
27 The department shall submit a report of its annual  
28 departmental offices review to the governor and  
29 general assembly by December 21, 2001, by December 21,  
30 2002, and by December 21, 2003.  
31 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
32 immediate importance, takes effect upon enactment."

JOHN P. KIBBIE

**S-3411**

1 Amend House File 271, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 5, by striking the words "and  
4 agricultural".

THOMAS FIEGEN

**S-3412**

1 Amend Senate File 528 as follows:  
2 1. Page 4, by inserting after line 18 the  
3 following:  
4 "\_\_\_\_. For a two-year project to preserve, grade,  
5 and pave interstate 35 between the interstate 80  
6 interchange and the First street exit to Ankeny:

7 .....\$ 36,000,000"

8 2. By renumbering, redesignating, and correcting  
9 internal references as necessary.

MICHAEL E. GRONSTAL

**S-3413**

1 Amend Senate File 528 as follows:  
2 1. Page 4, by inserting after line 18 the  
3 following:  
4 "\_\_\_". To complete construction of United States  
5 highway 20:  
6 ..... \$200,000,000"  
7 2. By renumbering, redesignating, and correcting  
8 internal references as necessary.

STEVEN D. HANSEN

**S-3414**

1 1. Page 4, by inserting after line 18 the  
2 following:  
3 "\_\_\_". To complete the construction of United  
4 States highway 30 in the state:  
5 ..... \$200,000,000"  
6 2. By renumbering, redesignating, and correcting  
7 internal references as necessary.

THOMAS FIEGEN

**S-3415**

1 Amend Senate File 531 as follows:  
2 1. Page 17, line 32, by striking the figure  
3 "815,580" and inserting the following: "1,065,580".  
4 2. Page 17, by inserting after line 33 the  
5 following:  
6 "Of the moneys appropriated in this section,  
7 \$250,000 shall be used to pay the administrative costs  
8 relating to transactions of, and participation in, the  
9 Iowa education savings plan trust."  
10 3. Page 17, by inserting after line 35 the  
11 following:  
12 "Sec. \_\_\_. Section 12D.2, subsection 15, Code  
13 2001, is amended by striking the subsection."

MIKE CONNOLLY

**S-3416**

- 1 Amend Senate File 526 as follows:  
2 1. Page 1, line 6, by inserting before the word  
3 "with" the following: ", in an amount of less than  
4 ten dollars,".

THOMAS FIEGEN

**S-3417**

- 1 Amend Senate File 526 as follows:  
2 1. Page 1, line 11, by inserting after the word  
3 "deposits" the following: ", if the amount is less  
4 than ten dollars".

MIKE CONNOLLY  
THOMAS FIEGEN**S-3418**

- 1 Amend Senate File 526 as follows:  
2 1. Page 1, line 10, by striking the words "  
3 electronic gift cards, or" and inserting the  
4 following: "and electronic gift cards with expiration  
5 dates of more than one year from date of purchase and  
6 does not include".  
7 2. Page 1, by inserting after line 11, the  
8 following:  
9 "Sec. \_\_\_\_ Section 556.9, Code 2001, is amended to  
10 read as follows:  
11 556.9 MISCELLANEOUS PERSONAL PROPERTY HELD FOR  
12 ANOTHER PERSON.  
13 All intangible personal property, not otherwise  
14 covered by this chapter, including any income or  
15 increment thereon and deducting any lawful charges,  
16 that is held or owing in this state in the ordinary  
17 course of the holder's business and has remained  
18 unclaimed by the owner for more than three years after  
19 it became payable or distributable is presumed  
20 abandoned. However, a gift certificate or electronic  
21 gift card with an expiration date of one year or less  
22 from the date of purchase is presumed abandoned on the  
23 expiration date."

MARK SHEARER  
THOMAS FIEGEN

**S-3419**

1 Amend Senate File 532 as follows:  
 2 1. Page 6, line 32, by inserting after the letter  
 3 "a." the following: "(1)".  
 4 2. Page 6, by striking line 35, and inserting the  
 5 following: "agreement."  
 6 3. Page 7, by inserting before line 1, the  
 7 following:  
 8 "(2) The authority shall issue tax-exempt bonds in  
 9 an".  
 10 4. Page 7, by striking line 7, and inserting the  
 11 following: "related to the master settlement  
 12 agreement."  
 13 5. Page 7, line 8, by inserting before the word  
 14 "also" the following:  
 15 "(3) The authority may".  
 16 6. Page 7, by inserting after line 10, the  
 17 following:  
 18 "(4) Notwithstanding subparagraphs (1) and (2),  
 19 the authority is not required to issue tax-exempt  
 20 bonds if the authority determines that the issuance  
 21 would not be in the best interest of the state due to  
 22 market conditions."

JEFF LAMBERTI

**S-3420**

1 Amend Senate File 530 as follows:  
 2 1. Page 2, line 31, by striking the word "GASA"  
 3 and inserting the following: "ODCP".  
 4 2. Page 12, by striking lines 6 through 12.  
 5 3. Page 18, by inserting after line 17 the  
 6 following:  
 7 "Sec. \_\_\_\_ STATE AGENCY PURCHASES FROM PRISON  
 8 INDUSTRIES.  
 9 1. As used in this section, unless the context  
 10 otherwise requires, "state agency" means the  
 11 government of the state of Iowa, including but not  
 12 limited to all executive branch departments, agencies,  
 13 boards, bureaus, and commissions, the judicial branch,  
 14 the general assembly and all legislative agencies,  
 15 institutions within the purview of the state board of  
 16 regents, and any corporation whose primary function is  
 17 to act as an instrumentality of the state.  
 18 2. State agencies are hereby encouraged to  
 19 purchase products from Iowa state industries, as  
 20 defined in section 904.802, when purchases are  
 21 required and the products are available from Iowa  
 22 state industries.

23 3. State agencies shall submit to the legislative  
24 fiscal bureau by January 15, 2002, a report of the  
25 dollar value of products and services purchased from  
26 Iowa state industries by the state agency during the  
27 fiscal year beginning July 1, 2000, and ending June  
28 30, 2001."

29 4. Page 21, by striking lines 18 through 22 and  
30 inserting the following: "Of the full-time equivalent  
31 positions authorized in this subsection, the division  
32 of criminal investigation may use 2.00 FTEs for the  
33 establishment of an elderly crime unit if federal  
34 funding is obtained. If federal funding is obtained  
35 and subsequently discontinued, the 2.00 FTEs shall be  
36 eliminated."

37 5. Page 26, line 34, by striking the word  
38 "costs." and inserting the following: "support  
39 personnel costs as defined in the United States  
40 marshal's service cost sheet for detention services."

41 6. Page 27, line 2, by striking the word  
42 "voucher" and inserting the following: "~~voucher~~  
43 United States marshal's service cost sheet".

44 7. Page 27, by striking lines 4 through 23.

45 8. Page 28, line 1, by striking the word "costs."  
46 and inserting the following: "support personnel costs  
47 as defined in the United States marshal's service cost  
48 sheet for detention services."

49 9. Page 28, line 2, by striking the word  
50 "voucher" and inserting the following: "~~voucher~~

Page 2

1 United States marshal's service cost sheet".

2 10. Page 28, line 12, by striking the word  
3 "costs." and inserting the following: "support  
4 personnel costs as defined in the United States  
5 marshal's service cost sheet for detention services."

6 11. Page 28, line 13, by striking the word  
7 "voucher" and inserting the following: "~~voucher~~  
8 United States marshal's service cost sheet".

JEFF ANGELO

## S-3421

1 Amend House File 564, as passed by the House, as  
2 follows:

3 1. Page 2, line 9, by striking the word and  
4 figure "section 556.5" and inserting the following:  
5 "sections 556.5 and 556.11".

6 2. Page 2, by inserting after line 13, the  
7 following:

8 "\_\_\_\_. Any disbursement that is retained by the

9 cooperative association shall be forfeited to the  
10 cooperative association if the cooperative association  
11 publishes at least one notice of the abandoned  
12 property in a publication regularly distributed to its  
13 membership or in a newspaper having a general  
14 circulation in the county where the cooperative  
15 association is located. The notice shall include all  
16 of the following:

17 a. The name and address of the cooperative  
18 association.  
19 b. The name of the person who has an interest in  
20 the disbursement according to the records of the  
21 cooperative association.

22 c. A brief description of the type of disbursement  
23 retained by the cooperative association.

24 d. A statement that the disbursement will be  
25 forfeited to the cooperative association unless the  
26 person files a claim for the disbursement within the  
27 period provided for in this section."

28 3. Page 2, by striking lines 25 through 29, and  
29 inserting the following: "within six months after the  
30 first date that the notice of abandoned property is  
31 first published as provided in this section, the  
32 disbursement shall be forfeited to the cooperative  
33 association."

34 4. Page 2, line 30, by striking the word  
35 "disbursement" and inserting the following:  
36 "disbursements".

37 5. Page 2, line 31, by striking the word "is" and  
38 inserting the following: "are".

39 6. Page 2, line 32, by inserting before the words  
40 "the directors" the following: "provided in this  
41 subsection. The cooperative association may authorize  
42 the payment of forfeited disbursements to persons  
43 claiming interests in forfeited disbursements as  
44 provided in the cooperative association's articles of  
45 incorporation or bylaws. Otherwise, forfeited  
46 disbursements shall be used as".

47 7. By renumbering as necessary.

EUGENE S. FRAISE  
MARK ZIEMAN

### S-3422

1 Amend Senate File 530 as follows:

2 1. Page 22, line 24, by striking the figure  
3 "36.80" and inserting the following: "39.80".

JEFF ANGELO

**S-3423**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 22, line 24, by striking the figure
- 3 "36.80" and inserting the following: "38.80".

JEFF ANGELO

**S-3424**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 24, by striking lines 33 and 34.
- 3 2. Page 26, by striking lines 9 through 22.
- 4 3. By renumbering as necessary.

STEVE KING  
 ROBERT E. DVORSKY  
 MICHAEL E. GRONSTAL  
 DENNIS H. BLACK  
 PATRICK J. DELUHERY  
 WALLY E. HORN  
 STEVEN D. HANSEN  
 JOE BOLKCOM  
 BILL FINK  
 EUGENE S. FRAISE  
 MATT McCOY  
 NEAL SCHUERER  
 RICHARD F. DRAKE  
 MARK ZIEMAN  
 KITTY REHBERG  
 JERRY BEHN  
 MARK SHEARER  
 BETTY A. SOUKUP  
 PATRICIA HARPER  
 JOHNIE HAMMOND  
 JACK HOLVECK  
 JOHN P. KIBBIE  
 TOM FLYNN  
 LARRY McKIBBEN  
 JOANN JOHNSON  
 PAUL McKINLEY

**S-3425**

HOUSE AMENDMENT TO  
 SENATE JOINT RESOLUTION 3

- 1 Amend Senate Joint Resolution 3, as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "Milwaukee" the following: "for the acquisition of

5 approximately ten acres of real property located next  
 6 to the community-based correctional facility in Cedar  
 7 Rapids, Iowa. The general assembly also authorizes  
 8 the sixth judicial district department of correctional  
 9 services, in lieu of extending the current lease-  
 10 purchase agreement, to enter into a new lease-purchase  
 11 agreement for a period beginning in the year 2001 and  
 12 extending through June 1, 2008, for the purpose of  
 13 refunding the current lease-purchase agreement and  
 14 financing the acquisition of approximately ten acres  
 15 of real property located next to the community-based  
 16 correctional facility in Cedar Rapids, Iowa".

17 2. Page 1, line 10, by striking the words "of  
 18 the" and inserting the following: "or entering into  
 19 of a new".

20 3. Page 1, line 12, by striking the word "the"  
 21 and inserting the following: "or enter into a new".

22 4. Title, page 1, line 2, by striking the word  
 23 "a" and inserting the following: "or enter into a  
 24 new".

25 5. Title, page 1, line 16, by inserting after the  
 26 word "Iowa" the following: ", or is desirous to enter  
 27 into a new lease-purchase agreement to refund the  
 28 current lease-purchase agreement and to acquire such  
 29 property".

30 6. Title, page 1, by inserting after line 18 the  
 31 following:

32 "WHEREAS, if a new lease-purchase agreement is  
 33 entered into, the term would commence in the year  
 34 2001, and end on June 1, 2008; and".

35 7. Title, page 2, by inserting after line 1 the  
 36 following:

37 "WHEREAS, the sixth judicial district department of  
 38 correctional services requests authorization to enter  
 39 into a new lease-purchase agreement in lieu of  
 40 extending the current lease-purchase agreement if the  
 41 district department so desires; and".

42 8. Title, page 2, line 6, by striking the word  
 43 "the" and inserting the following: "or entering into  
 44 a new".

45 9. Title, page 2, line 7, by striking the word  
 46 "the" and inserting the following: "or enter into a  
 47 new".

## S-3426

### HOUSE AMENDMENT TO SENATE FILE 81

1 Amend Senate File 81, as passed by the Senate, as  
 2 follows:

3 1. Page 1, line 4, by striking the words "shall

4 give priority" and inserting the following: "may give  
 5 additional consideration or additional points in the  
 6 application of rating or evaluation criteria".

**S-3427**

HOUSE AMENDMENT TO  
 SENATE FILE 84

1 Amend Senate File 84, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 24 through 27, and  
 4 inserting the following: "~~hours.~~ Any person  
 5 violating the provisions of this".

**S-3428**

1 Amend Senate File 530 as follows:  
 2 1. Page 13, by striking line 18 and inserting the  
 3 following:  
 4 ".....\$ 9,310,263"  
 5 2. Page 13, by striking line 24 and inserting the  
 6 following:  
 7 ".....\$ 7,407,017"  
 8 3. Page 13, by striking line 30 and inserting the  
 9 following:  
 10 ".....\$ 4,500,354"  
 11 4. Page 14, by striking line 1 and inserting the  
 12 following:  
 13 ".....\$ 4,240,315"  
 14 5. Page 14, by striking line 7 and inserting the following:  
 15 ".....\$ 12,858,098"  
 16 6. Page 14, by striking line 13 and inserting the  
 17 following:  
 18 ".....\$ 9,380,994"  
 19 7. Page 14, by striking line 19 and inserting the  
 20 following:  
 21 ".....\$ 5,282,938"  
 22 8. Page 14, by striking line 25 and inserting the  
 23 following:  
 24 ".....\$ 5,264,765"  
 25 9. Page 14, by striking line 30 and inserting the  
 26 following:  
 27 ".....\$ 79,948"

ROBERT E. DVORSKY

**S-3429**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 23, line 13, by striking the figure
- 3 "35,760,633" and inserting the following:
- 4 "39,496,793".

THOMAS FIEGEN

**S-3430**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 21, by striking line 16, and inserting
- 3 the following:
- 4 ".....\$ 12,507,130"
- 5 2. Page 22, by striking line 12, and inserting
- 6 the following:
- 7 ".....\$ 4,019,177"

THOMAS FIEGEN

**S-3431**

- 1 Amend Senate File 530 as follows:
- 2 1. Page 6, by striking line 6 and inserting the
- 3 following:
- 4 ".....\$ 30,130,652"
- 5 2. Page 6, by striking line 14 and inserting the
- 6 following:
- 7 ".....\$ 23,983,834"
- 8 3. Page 6, by striking line 24 and inserting the
- 9 following:
- 10 ".....\$ 21,823,768"
- 11 4. Page 6, by striking line 30 and inserting the
- 12 following:
- 13 ".....\$ 23,310,118"
- 14 5. Page 7, by striking line 3 and inserting the
- 15 following:
- 16 ".....\$ 21,883,802"
- 17 6. Page 7, by striking line 9 and inserting the
- 18 following:
- 19 ".....\$ 7,272,542"
- 20 7. Page 7, by striking line 15 and inserting the
- 21 following:
- 22 ".....\$ 18,142,698"
- 23 8. Page 7, by striking line 26 and inserting the
- 24 following:
- 25 ".....\$ 12,365,583"
- 26 9. Page 7, by striking line 32 and inserting the
- 27 following:
- 28 ".....\$ 25,504,865"

29 10. Page 8, by striking line 6 and inserting the  
 30 following:  
 31 ".....\$ 341,334"

EUGENE S. FRAISE  
 MARK SHEARER  
 JOHNIE HAMMOND  
 ROBERT E. DVORSKY

**S-3432**

1 Amend Senate File 530 as follows:  
 2 1. Page 4, line 16, by striking the figure  
 3 "450,000" and inserting the following: "700,000".

JACK HOLVECK  
 ROBERT E. DVORSKY  
 MARY A. LUNDBY  
 THOMAS FIEGEN  
 MARK SHEARER  
 TOM FLYNN  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 BILL FINK  
 JOE BOLKCOM  
 PATRICIA HARPER  
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 MATT McCOY  
 EUGENE S. FRAISE  
 JOHN P. KIBBIE  
 STEVEN D. HANSEN  
 WALLY E. HORN  
 DICK L. DEARDEN  
 DENNIS H. BLACK

**S-3433**

1 Amend House File 564, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 16, by inserting after the word  
 4 "disbursement" the following: "with a value of ten  
 5 dollars or less".  
 6 2. Page 2, line 6, by inserting after the word  
 7 "disbursement" the following: "with a value of ten  
 8 dollars or less".

THOMAS FIEGEN

**S-3434**

HOUSE AMENDMENT TO  
SENATE FILE 473

1 Amend Senate File 473, as passed by the Senate, as  
2 follows:  
3 1. Page 7, by inserting after line 4, the  
4 following:  
5 "Sec. \_\_\_\_ Section 507B.4, subsection 10B,  
6 unnumbered paragraph 1, as enacted by 2001 Iowa Acts,  
7 Senate File 500, section 7, is amended to read as  
8 follows:  
9 Failure of an insurer to pay interest at the rate  
10 of ten percent per annum on all health insurance  
11 claims that the insurer fails to timely accept and pay  
12 pursuant to section 507B.4A, subsection ~~±~~ 2, paragraph  
13 "e" "d". Interest shall accrue commencing on the  
14 thirty-first day after receipt of all properly  
15 completed proof of loss forms.  
16 Sec. \_\_\_\_ Section 518.16, Code 2001, is amended to  
17 read as follows:  
18 518.16 QUALIFICATION OF AGENTS.  
19 A person shall not solicit any application for  
20 insurance for an association in this state without  
21 having procured from the commissioner of insurance a  
22 license authorizing the person to act as an ~~agent~~  
23 insurance producer pursuant to chapter ~~522~~ 522B.  
24 "SUBCHAPTER 1  
25 SHORT TITLE AND DEFINITIONS  
26 Sec. \_\_\_\_ NEW SECTION. 523A.101 SHORT TITLE.  
27 This chapter may be cited as the "Iowa Cemetery and  
28 Funeral Merchandise and Funeral Services Act".  
29 Sec. \_\_\_\_ NEW SECTION. 523A.102 DEFINITIONS.  
30 For purposes of this chapter, unless the context  
31 otherwise requires:  
32 1. "Authorized to do business within this state"  
33 means a person licensed, registered, or subject to  
34 regulation by an agency of the state of Iowa or who  
35 has filed a consent to service of process with the  
36 commissioner for purposes of this chapter.  
37 2. "Beneficiary" means any natural person  
38 specified or included in a purchase agreement, upon  
39 whose future death cemetery merchandise, funeral  
40 merchandise, funeral services, or a combination  
41 thereof are to be provided under the purchase  
42 agreement.  
43 3. "Burial account" means an account established  
44 by a person with a financial institution for the  
45 purpose of funding the future purchase of cemetery  
46 merchandise, funeral merchandise, or a combination  
47 thereof without any related trust agreement.

48 4. "Burial trust fund" means an irrevocable burial  
49 trust fund established by a person with a financial  
50 institution for the purpose of funding the future

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1 purchase of cemetery merchandise, funeral merchandise,  
2 funeral services, or a combination thereof upon the  
3 death of the person named in the burial trust fund's  
4 records or a related purchase agreement. "Burial  
5 trust fund" does not include or imply the existence of  
6 any oral or written purchase agreement for cemetery  
7 merchandise, funeral merchandise, funeral services, or  
8 a combination thereof between the person and a seller.

9 5. "Cemetery merchandise" means foundations, grave  
10 markers, tombstones, ornamental merchandise,  
11 memorials, and monuments sold under a purchase  
12 agreement that does not require installation within  
13 twelve months of the purchase.

14 6. "Commissioner" means the commissioner of  
15 insurance or the deputy administrator authorized in  
16 section 523A.801 to the extent the commissioner  
17 delegates functions to the deputy administrator.

18 7. "Common business enterprise" means a group of  
19 two or more business entities that share common  
20 ownership in excess of fifty percent.

21 8. "Credit sale" means a sale of goods, services,  
22 or an interest in land in which all of the following  
23 are applicable:

24 a. Credit is granted either under a seller credit  
25 card or by a seller who regularly engages as a seller  
26 in credit transactions of the same kind.

27 b. The buyer is a person other than an  
28 organization.

29 c. The goods, services, or interest in land are  
30 purchased primarily for a personal, family, or  
31 household purpose.

32 d. Either the debt is payable in installments or a  
33 finance charge is made.

34 e. For goods and services, the amount financed  
35 does not exceed twenty-five thousand dollars.

36 9. "Delivery" occurs when:

37 a. The cemetery merchandise, funeral merchandise,  
38 or the title document establishing an easement for  
39 burial rights is physically delivered to the purchaser  
40 or installed, except that burial of any item at the  
41 site of its ultimate use shall not constitute delivery  
42 for purposes of this chapter.

43 b. If authorized by a purchaser under a purchase  
44 agreement, cemetery merchandise has been permanently  
45 identified with the name of the purchaser or the  
46 beneficiary and delivered to a bonded warehouse or

47 storage facility approved by the commissioner and both  
48 title to the merchandise and a warehouse receipt have  
49 been delivered to the purchaser or beneficiary and a  
50 copy of the warehouse receipt has been delivered to

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1 the establishment for retention in its files.  
2 c. If authorized by a purchaser under a purchase  
3 agreement, a polystyrene or polypropylene outer burial  
4 container has been permanently identified with the  
5 name of the purchaser or the beneficiary and delivered  
6 to a bonded warehouse or storage facility approved by  
7 the commissioner and both title to the merchandise and  
8 a warehouse receipt have been delivered to the  
9 purchaser or beneficiary and a copy of the warehouse  
10 receipt has been delivered to the establishment for  
11 retention in its files.

12 10. "Doing business in this state" means issuing  
13 or performing wholly or in part any term of a purchase  
14 agreement executed within the state of Iowa.

15 11. "Establishment" means each business  
16 establishment that advertises, sells, promotes, or  
17 offers cemetery merchandise, funeral merchandise,  
18 funeral services, or a combination thereof prior to  
19 the death of the person named or implied in a purchase  
20 agreement.

21 12. "Financial institution" means a state or  
22 federally insured bank, savings and loan association,  
23 credit union, trust department thereof, or a trust  
24 company authorized to do business within this state  
25 and which has been granted trust powers under the laws  
26 of this state or the United States, which holds funds  
27 under a trust agreement. "Financial institution" does  
28 not include:

29 a. A seller.

30 b. Anyone employed by or directly involved with  
31 the seller in the seller's cemetery merchandise,  
32 funeral merchandise, or funeral services business.

33 13. "Funeral merchandise" means personal property  
34 used for the final disposition of a dead human body,  
35 including but not limited to clothing, caskets,  
36 vaults, urns, and interment receptacles. "Funeral  
37 merchandise" does not include easements for burial  
38 rights in a completed space or cemetery merchandise.

39 14. "Funeral services" means services provided for  
40 the final disposition of a dead human body, including  
41 but not limited to services necessarily or customarily  
42 provided for a funeral, or for the interment,  
43 entombment, or cremation of a dead human body, or any  
44 combination thereof. "Funeral services" does not  
45 include perpetual care or maintenance.

46 15. "Inner burial container" means a container in  
47 which human remains are placed for burial or  
48 entombment. Where only one container is used for  
49 burial or entombment, "inner burial container"  
50 includes a container serving as a burial vault, urn

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1 vault, grave box, grave liner, or lawn crypt.  
2 16. "Insolvent" means the inability to pay debts  
3 as they become due in the usual course of business.  
4 17. "Interest or income" means unrealized net  
5 appreciation or loss in the fair value of cemetery  
6 merchandise, funeral merchandise, and funeral services  
7 trust assets for which a market value may be  
8 determined with reasonable certainty, plus the return  
9 in money or property derived from the use of trust  
10 principal or income, net of investment losses, taxes,  
11 and expenses incurred in the sale of trust assets, any  
12 cost of the operation of the trust, and any annual  
13 audit fee. "Interest or income" includes but is not  
14 limited to:  
15 a. Rent of real or personal property, including  
16 sums received for cancellation or renewal of a lease  
17 and any royalties.  
18 b. Interest on money lent, including sums received  
19 as consideration for prepayment of principal.  
20 c. Cash dividends paid on corporate stock.  
21 d. Interest paid on deposit funds or debt  
22 obligations.  
23 e. Gain realized from the sale of trust assets.  
24 18. "Next of kin" means the surviving spouse and  
25 heirs at law of the deceased.  
26 19. "Nonguaranteed" means that the price of the  
27 merchandise and services selected has not been fixed  
28 or guaranteed and will be determined by existing  
29 prices at the time the merchandise and services are  
30 delivered or provided.  
31 20. "Outer burial container" means a container  
32 used for the burial of human remains that is used  
33 exclusively to surround or enclose an inner burial  
34 container and to support the earth above the  
35 container, commonly known as a burial vault, urn  
36 vault, grave box, or grave liner, but not including a  
37 lawn crypt.  
38 21. "Parent company" means a corporation that has  
39 a controlling interest in an establishment.  
40 22. "Person" means an individual, business,  
41 corporation, trust, firm, partnership, association, or  
42 any other legal entity.  
43 23. "Personal representative" means a personal  
44 representative as defined in section 633.3.

45 24. "Provider" means a person that provides  
46 funeral services, funeral merchandise, or cemetery  
47 merchandise purchased in a purchase agreement.  
48 25. "Purchase agreement" means an agreement to  
49 furnish cemetery merchandise, funeral merchandise,  
50 funeral services, or a combination thereof when

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1 performance or delivery may be more than one hundred  
2 twenty days following the initial payment on the  
3 account.

4 26. "Purchase price" means the negotiated price  
5 for the item of merchandise or service, if itemized in  
6 the purchase agreement, or the price of the item  
7 listed in the seller's general price list at the time  
8 the purchase agreement is signed.

9 27. "Purchaser" means a person who purchases  
10 cemetery merchandise, funeral merchandise, funeral  
11 services, or a combination thereof. The purchaser  
12 need not be a beneficiary of the agreement.

13 28. "Seller" means a person doing business within  
14 this state, including a person doing business within  
15 this state who sells insurance, who advertises, sells,  
16 promotes, or offers to furnish cemetery merchandise,  
17 funeral merchandise, funeral services, or a  
18 combination thereof when performance or delivery may  
19 be more than one hundred twenty days following the  
20 initial payment on the account whether the transaction  
21 is completed or offered in person, through the mail,  
22 over the telephone, by the internet, or through any  
23 other means of commerce. "Seller" includes any person  
24 performing any term of a purchase agreement executed  
25 within this state, and any person identified under a  
26 burial account as the provider of cemetery  
27 merchandise, funeral merchandise, funeral services, or  
28 a combination thereof.

29 29. "Total purchase price" means the aggregate  
30 amount the purchaser is obligated to pay for  
31 merchandise or services pursuant to the purchase  
32 agreement, excluding any taxes, administrative  
33 charges, or financing charges.

#### 34 SUBCHAPTER 2

### 35 ESTABLISHMENT OF TRUSTS, DEPOSIT, INVESTMENT, 36 AND REPORTING REQUIREMENTS

#### 37 Sec. \_\_\_\_ NEW SECTION. 523A.201 ESTABLISHMENT OF 38 TRUST FUNDS.

39 Unless proceeding under section 523A.401, 523A.402,  
40 or 523A.403, a seller must establish a trust fund  
41 prior to advertising, selling, promoting, or offering  
42 cemetery merchandise, funeral merchandise, funeral  
43 services, or a combination thereof in this state as

44 follows:

- 45 1. The trust fund must be established at a  
46 financial institution.
- 47 2. If a seller agrees to furnish cemetery  
48 merchandise, funeral merchandise, funeral services, or  
49 a combination thereof and performance or delivery may  
50 be more than one hundred twenty days following the

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- 1 initial payment on the account, a minimum of eighty  
2 percent of all payments made under the purchase  
3 agreement shall be placed and remain in trust until  
4 the person for whose benefit the funds were paid dies.
- 5 3. If a purchase agreement for cemetery  
6 merchandise, funeral merchandise, funeral services, or  
7 a combination thereof provides that payments are to be  
8 made in installments, the seller shall deposit eighty  
9 percent of each payment in the trust fund until the  
10 full amount required to be placed in trust has been  
11 deposited. If the purchase agreement is financed with  
12 or sold to a financial institution, the purchase  
13 agreement shall be considered paid in full and the  
14 trust requirements shall be satisfied within fifteen  
15 days after the close of the month in which the seller  
16 receives funds from the financial institution.
- 17 4. A seller shall not invade the trust principal  
18 for any purpose.
- 19 5. A seller who lacks insurance coverage which  
20 protects against the loss of purchaser payments not  
21 placed in trust within the time period required by  
22 this section and section 523A.202 shall not commingle  
23 these payments with any other seller funds. A seller  
24 who lacks insurance coverage may use one or more of  
25 the following methods to dispose of these payments:
- 26 a. Deposit purchaser funds into an escrow account  
27 until the required amount has been deposited into a  
28 trust account at a financial institution.
- 29 b. Make a prior delivery or warehouse cemetery or  
30 funeral merchandise or a combination thereof as  
31 provided by this chapter.
- 32 c. Make a prior filing of a surety bond in lieu of  
33 establishing a trust fund as required by this section.
- 34 d. Make a simultaneous, same-day deposit of the  
35 purchaser's payments into the seller's bank account  
36 and the required amount into the seller's trust fund.
- 37 6. Payments otherwise subject to this section are  
38 not exempt merely because they are held in  
39 certificates of deposit.
- 40 7. Commingling of trust funds with other funds of  
41 the seller is prohibited.
- 42 8. Interest or income earned on amounts deposited

43 in trust shall remain in trust under the same terms  
44 and conditions as payments made under the purchase  
45 agreement, except that the seller may withdraw so much  
46 of the interest or income as represents the difference  
47 between the amount needed to adjust the trust funds  
48 for inflation as set by the commissioner based on the  
49 consumer price index and the interest or income earned  
50 during the preceding year not to exceed fifty percent

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1 of the total interest or income on a calendar-year  
2 basis. The early withdrawal of interest or income  
3 under this provision does not affect the purchaser's  
4 right to a credit of such interest or income in the  
5 event of a nonguaranteed price agreement,  
6 cancellation, or nonperformance by the seller.  
7 9. The commissioner may require amendments to a  
8 trust agreement not in accord with the provisions of  
9 this chapter.

10 10. If a seller voluntarily or involuntarily  
11 ceases doing business and the seller's obligation to  
12 provide merchandise or services has not been assumed  
13 by another establishment holding a current  
14 establishment permit, all trust funds, including  
15 accrued interest or income, shall be repaid to the  
16 purchaser within one hundred twenty days following the  
17 seller's cessation of business or, in the event of  
18 circumstances where a payment is not possible within  
19 one hundred twenty days, as soon as is reasonably  
20 practicable.

21 Sec. \_\_\_\_ **NEW SECTION. 523A.202 TRUST FUND**  
22 **DEPOSIT REQUIREMENTS.**

23 1. All funds held in trust pursuant to section  
24 523A.201 shall be deposited in a financial  
25 institution, within fifteen days after the close of  
26 the month a seller receives the funds. The financial  
27 institution shall hold the funds for the designated  
28 beneficiary until released.

29 2. All funds required to be deposited by the  
30 purchaser for a purpose described in section 523A.201  
31 shall be deposited consistent with one of the  
32 following methods:

33 a. The payments shall be deposited directly into  
34 an interest-bearing burial account in the purchaser's  
35 name.

36 b. The purchaser shall deposit payments directly  
37 into a separate trust account in the purchaser's name.  
38 The account may be made payable to the seller upon the  
39 death of the purchaser or the designated beneficiary,  
40 provided that, until death, the purchaser retains the  
41 exclusive power to hold, manage, pledge, and invest

42 the trust account funds and may revoke the trust and  
43 withdraw the funds, in whole or in part, at any time  
44 during the term of the agreement.

45 c. The purchaser or the seller shall deposit  
46 payments directly into a separate trust account in the  
47 name of the purchaser, as trustee, for the named  
48 beneficiary, to be held, invested, and administered as  
49 a trust account for the benefit and protection of the  
50 beneficiary. The depositor shall notify the financial

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1 institution of the existence and terms of the trust,  
2 including at a minimum, the name of each party to the  
3 agreement, the name and address of the trustee, and  
4 the name and address of the beneficiary. The account  
5 may be made payable to the seller upon the  
6 beneficiary's death.

7 d. The payments shall be deposited in the name of  
8 the trustee, as trustee, under the terms of a master  
9 trust agreement and the trustee may invest, reinvest,  
10 exchange, retain, sell, and otherwise manage the trust  
11 fund for the benefit and protection of the named  
12 beneficiary.

13 3. The commissioner may by rule authorize other  
14 methods of deposit upon a finding that such methods  
15 provide equivalent safety of the principal and  
16 interest or income and the seller lacks access to the  
17 proceeds prior to performance.

18 4. This section does not prohibit moving trust  
19 funds from one financial institution to another.

20 Sec. \_\_\_\_ NEW SECTION. 523A.203 FINANCIAL  
21 INSTITUTION TRUSTEE QUALIFICATION AND INVESTMENT  
22 REQUIREMENTS.

23 1. A financial institution may serve as a trustee  
24 if granted those powers under the laws of this state  
25 or of the United States. A financial institution  
26 acting as a trustee of trust funds under this chapter  
27 shall invest the funds in accordance with applicable  
28 law.

29 2. A financial institution acting as a trustee of  
30 trust funds under this chapter has a fiduciary duty to  
31 make reasonable investment decisions and to properly  
32 oversee and manage the funds entrusted to it. The  
33 trustee shall use the judgment and care under the  
34 circumstances then prevailing that persons of  
35 prudence, discretion, and intelligence exercise in the  
36 management of their own affairs, not in regard to  
37 speculation but in regard to the permanent disposition  
38 of their funds, considering the probable income as  
39 well as the probable safety of their capital. The  
40 commissioner may take enforcement action against a

41 financial institution in its capacity as trustee for a  
 42 breach of fiduciary duty proven under this chapter.  
 43 3. Moneys deposited under a master trust agreement  
 44 may be commingled by the financial institution for  
 45 investment purposes if each deposit includes a  
 46 detailed listing of the amount deposited in trust for  
 47 each beneficiary and maintenance of a separate  
 48 accounting of each purchaser's principal, interest,  
 49 and income.  
 50 4. Subject to a master trust agreement, the seller

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1 may appoint an independent investment adviser to  
 2 advise the financial institution about investment of  
 3 the trust funds.  
 4 5. Subject to agreement between the parties, the  
 5 financial institution may receive a reasonable fee  
 6 from the trust funds for services rendered as trustee.  
 7 The trust shall pay the trust operation costs and any  
 8 annual audit fees.  
 9 6. The seller or any officer, director, agent,  
 10 employee, or affiliate of the seller shall not serve  
 11 as trustee. A financial institution holding trust  
 12 funds shall not do any of the following:  
 13 a. Be owned, under the control of, or affiliated  
 14 with a seller.  
 15 b. Use any funds required to be held in trust  
 16 under this chapter or chapter 566A to purchase an  
 17 interest in any contract or agreement to which a  
 18 seller is a party.  
 19 c. Otherwise invest, directly or indirectly, in a  
 20 seller's business operations.  
 21 Sec. \_\_\_\_ NEW SECTION. 523A.204 ESTABLISHMENT  
 22 ANNUAL REPORTING REQUIREMENTS.  
 23 1. An establishment shall file with the  
 24 commissioner not later than March 1 of each year an  
 25 annual report on a form prescribed by the commissioner  
 26 containing all of the following:  
 27 a. The seller's name and address and the name and  
 28 address of the establishment that will provide the  
 29 cemetery merchandise, funeral merchandise, funeral  
 30 services, or a combination thereof.  
 31 b. The balance of each trust account as of the end  
 32 of the preceding calendar year, identified by  
 33 purchaser or beneficiary name.  
 34 c. A report of any amounts withdrawn from the  
 35 trust account including the reason for each  
 36 withdrawal.  
 37 d. A detailed listing of the insurance funding  
 38 outstanding at the end of the preceding calendar year,  
 39 identified by the name of the purchaser or the

40 beneficiary.

41 e. A complete inventory of the cemetery  
42 merchandise, funeral merchandise, or a combination  
43 thereof delivered in lieu of trust fund requirements  
44 under section 523A.401, including the following:

45 (1) The location of the merchandise.

46 (2) Merchandise serial numbers or warehouse  
47 receipt numbers identified by the name of the  
48 purchaser or the beneficiary.

49 (3) A verified statement of a certified public  
50 accountant on a form prescribed by the commissioner

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1 that all of the following have occurred:

2 (a) A physical inventory of the cemetery  
3 merchandise or funeral merchandise has been conducted.

4 (b) Each item of that merchandise is in the  
5 seller's possession at the specified location.

6 f. The purchaser and beneficiary names, the amount  
7 of each purchase agreement made in the preceding year,  
8 and the date the purchase agreement was made.

9 g. A summary of any purchase agreements converted  
10 from trust-funded benefits to insurance-funded or  
11 annuity benefits during the preceding year which shall  
12 include, as of the conversion date, the following  
13 information, as well as aggregated totals for each of  
14 the following categories of information, if  
15 appropriate:

16 (1) Insured's name.

17 (2) Insured's policy number.

18 (3) Original prepaid purchase agreement amount.

19 (4) Amount paid in.

20 (5) Unpaid balance of the prepaid purchase  
21 agreement.

22 (6) Unpaid balance of the purchase agreement.

23 (7) Amount retained by the establishment.

24 (8) Amount applied to the purchase of the  
25 insurance policy or annuity.

26 (9) Initial cash surrender value and initial death  
27 benefit under the insurance policy.

28 The establishment shall include a notarized  
29 statement attesting that the insurance policies or  
30 annuities have been issued and funded on behalf of the  
31 purchasers listed in the summary and that all notices  
32 required under this section have been given.

33 h. A summary of any purchase agreements converted  
34 from trust-funded benefits to a surety bond during the  
35 preceding year which shall include, as of the  
36 conversion date, the following information, as well as  
37 aggregated totals for each of the following categories  
38 of information, if appropriate:

- 39 (1) Name of the purchaser and beneficiary.  
 40 (2) Original prepaid purchase agreement amount.  
 41 (3) Amount paid in.  
 42 (4) Unpaid balance of the prepaid purchase  
 43 agreement.  
 44 (5) Unpaid balance of the purchase agreement.  
 45 (6) Amount retained by the establishment.  
 46 (7) Amount applied to the purchase of the surety  
 47 bond.  
 48 (8) A description of the surety bond and the  
 49 applicable amount of coverage.  
 50 i. Any other information the commissioner deems

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- 1 necessary for the administration of this chapter.  
 2 2. A person holding multiple establishment permits  
 3 may elect to file only one annual report after noting  
 4 all establishments on the report.  
 5 3. An establishment shall make a good faith effort  
 6 to complete the annual report. The establishment  
 7 shall note on the annual report any information not  
 8 reasonably available to the establishment as an  
 9 exception or variance. Account balances within twelve  
 10 months of the date of the filing of the annual report  
 11 shall be accepted if the actual date of the account  
 12 balances is noted.  
 13 4. In lieu of the annual report form described in  
 14 subsection 1, the commissioner may authorize an  
 15 establishment to file a short form annual report on a  
 16 form prescribed by the commissioner. The short form  
 17 annual report may incorporate by reference information  
 18 readily available to the establishment. The  
 19 commissioner may certify and decertify establishments  
 20 authorized to file the short form based upon:  
 21 a. The establishment's recordkeeping system.  
 22 b. The number of purchase agreements which the  
 23 establishment has sold that are subject to regulation  
 24 under chapter 523A.  
 25 c. The availability and accessibility of  
 26 information at the establishment for purchase  
 27 agreements subject to regulation.  
 28 d. Whether the establishment places one hundred  
 29 percent of funds received pursuant to its purchase  
 30 agreements in trust.  
 31 e. The findings of the commissioner concerning  
 32 audits and consumer complaints.  
 33 The commissioner shall retain the authority to  
 34 require establishments permitted to file the short  
 35 form annual report to provide all of the information  
 36 required in the annual report form required by  
 37 subsection 1 for audit purposes or otherwise.

38 5. An establishment filing an annual report shall  
39 pay a filing fee of ten dollars per purchase agreement  
40 sold during the year covered by the report. The fee  
41 does not apply to any of the following:  
42 a. A purchase agreement where the beneficiary dies  
43 in the same year the agreement was sold.  
44 b. Any modifications or additions, such as  
45 payments, for an existing purchase agreement sold in a  
46 previous year.  
47 c. An additional agreement purchased and already  
48 reported to the commissioner by the purchaser.  
49 d. A purchase agreement canceled or revoked in the  
50 same year it was sold.

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1 All purchase agreement changes for which a filing  
2 fee is not required must be reported to the  
3 commissioner on the annual report for the year  
4 covered.

5 6. As part of the annual filing with the  
6 commissioner, an establishment shall file an  
7 authorization for the commissioner or a designee to  
8 investigate, audit, and verify all funds, accounts,  
9 safe deposit boxes, and other evidence of  
10 establishment trust funds held by or in a financial  
11 institution.

12 7. Forms may be obtained at cost from the  
13 commissioner upon request. The commissioner may  
14 accept annual reports submitted in an electronic  
15 format, including but not limited to computer  
16 diskettes.

17 8. Notwithstanding chapter 22, all records  
18 maintained by the commissioner under this section  
19 shall be confidential and shall not be made available  
20 for inspection or copying except upon approval of the  
21 commissioner or the attorney general.

22 Sec. \_\_. NEW SECTION. 523A.205 FINANCIAL  
23 INSTITUTION ANNUAL REPORTING REQUIREMENTS.

24 1. A financial institution shall file with the  
25 commissioner not later than March 1 of each year an  
26 annual report on a form prescribed by the commissioner  
27 showing all funds deposited by an establishment under  
28 a trust agreement during the previous year. Each  
29 report shall contain all information requested.

30 2. Forms may be obtained from the commissioner  
31 upon request. The commissioner may accept annual  
32 reports submitted in an electronic format, including  
33 but not limited to computer diskettes.

34 3. Notwithstanding chapter 22, all records  
35 maintained by the commissioner under this section  
36 shall be confidential and shall not be made available

37 for inspection or copying except upon approval of the  
 38 commissioner or the attorney general.  
 39 Sec. \_\_\_\_ NEW SECTION. 523A.206 AUDITS.  
 40 1. The commissioner may make audits of the  
 41 establishment and of the records of a seller, at the  
 42 times and in the scope the commissioner determines.  
 43 The audits may be made without prior notice to the  
 44 seller. The commissioner may copy all records the  
 45 commissioner feels are necessary to conduct the audit.  
 46 The commissioner may require an audit of a seller or  
 47 other person by a certified public accountant to  
 48 verify compliance with this chapter, implementing  
 49 rules, or orders.  
 50 2. A seller or other person shall pay for the

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1 audit unless the commissioner waives this requirement.  
 2 The cost of an audit involving multiple sellers or  
 3 other persons shall be prorated among them upon any  
 4 reasonable basis as determined by the commissioner.  
 5 The accountant shall deliver the audit report to the  
 6 commissioner and to the seller or other persons.  
 7 3. The commissioner shall not make public the  
 8 information obtained in the course of an audit, except  
 9 when a duty under this chapter requires the  
 10 commissioner to take action against a seller or to  
 11 cooperate with another enforcement or regulatory  
 12 agency, or except when the commissioner is called as a  
 13 witness in a civil or criminal proceeding.

#### 14 SUBCHAPTER 3

### 15 DISBURSEMENT OF REMAINING BURIAL ACCOUNT FUNDS, 16 BURIAL TRUST FUNDS, AND INSURANCE OR ANNUITY PROCEEDS 17 UNDER THE REQUIREMENTS OF SECTION 249A.5

18 Sec. \_\_\_\_ NEW SECTION. 523A.301 DEFINITION.

19 As used in sections 523A.302 and 523A.303,  
 20 "director" means the director of human services.

21 Sec. \_\_\_\_ NEW SECTION. 523A.302 IDENTIFICATION  
 22 OF MERCHANDISE AND SERVICE PROVIDER.

23 If a burial trust fund identifies, either in the  
 24 trust fund records or in a related purchase agreement,  
 25 the seller who will provide the cemetery merchandise,  
 26 funeral merchandise, funeral services or a combination  
 27 thereof, the trust fund records or the related  
 28 purchase agreements must contain a statement signed by  
 29 an authorized representative of the seller agreeing to  
 30 furnish the cemetery merchandise, funeral merchandise,  
 31 funeral services, or a combination thereof upon the  
 32 death of the beneficiary. The burial trust fund shall  
 33 not identify a specific seller as payee unless the  
 34 trust fund records or the related purchase agreements,  
 35 if any, contain the signature of an authorized

36 representative of the seller and, if the agreement is  
37 for funeral services as defined in chapter 156, the  
38 name of a funeral director licensed to deliver those  
39 services. A person may enter into agreements  
40 authorizing the establishment of more than one burial  
41 trust fund and agreeing to furnish the applicable  
42 merchandise and services.

43 Sec. \_\_. NEW SECTION. 523A.303 DISBURSEMENT OF  
44 REMAINING FUNDS.

45 1. If funds remain in a nonguaranteed irrevocable  
46 burial trust fund or from the proceeds of an insurance  
47 policy or annuity made payable or assigned to the  
48 seller or a provider after the payment of funeral and  
49 burial expenses in accordance with the conditions and  
50 terms of the purchase agreement for cemetery

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1 merchandise, funeral merchandise, or funeral services,  
2 the seller shall comply with all of the following:

3 a. The seller shall provide written notice by mail  
4 to the director under subsection 2.

5 b. At least sixty days after mailing notice to the  
6 director, the seller shall disburse any remaining  
7 funds from the burial trust fund as follows:

8 (1) If within the sixty-day period the seller  
9 receives a claim from the personal representative of  
10 the deceased, any remaining funds shall be disbursed  
11 to the personal representative, notwithstanding any  
12 claim by the director.

13 (2) If within the sixty-day period the seller has  
14 not received a claim from the personal representative  
15 of the deceased but receives a claim from the  
16 director, the seller shall disburse the remaining  
17 funds up to the amount of the claim to the director.

18 (3) Any remaining funds not disposed of pursuant  
19 to subparagraphs (1) and (2) shall be disbursed to any  
20 person who is identified as the next of kin of the  
21 deceased in an affidavit submitted in accordance with  
22 subsection 5.

23 2. The notice mailed to the director shall meet  
24 all of the following requirements and is subject to  
25 all of the following conditions:

26 a. The notice shall be mailed with postage  
27 prepaid.

28 b. If the notice is sent by regular mail, the  
29 sixty-day period for receipt of a response is deemed  
30 to commence three days following the date of mailing.

31 c. If the notice is sent by certified mail, the  
32 sixty-day period for receipt of a response is deemed  
33 to commence on the date of mailing.

34 d. The notice shall provide all of the following

35 information:

36 (1) Current name, address, and telephone number of  
37 the seller.

38 (2) Full name of the deceased.

39 (3) Date of the deceased's death.

40 (4) Amount of funds remaining in the burial trust  
41 fund.

42 (5) Statement that any claim by the director must  
43 be received by the seller within sixty days after the  
44 date of mailing of the notice.

45 e. A notice in substantially the following form  
46 complies with this subsection:

47 "TO: THE DIRECTOR OF HUMAN SERVICES

48 FROM: (SELLER'S NAME, CURRENT ADDRESS, AND  
49 TELEPHONE NUMBER)

50 YOU ARE HEREBY NOTIFIED THAT (NAME OF DECEASED),

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1 WHO HAD AN IRREVOCABLE BURIAL TRUST FUND, HAS DIED,  
2 THAT FINAL PAYMENT FOR CEMETERY MERCHANDISE, FUNERAL  
3 MERCHANDISE, AND FUNERAL SERVICES HAS BEEN MADE, AND  
4 THAT (REMAINING AMOUNT) REMAINS IN THE IRREVOCABLE  
5 BURIAL TRUST FUND.

6 THE ABOVE-NAMED SELLER MUST RECEIVE A WRITTEN  
7 RESPONSE REGARDING ANY CLAIM BY THE DIRECTOR WITHIN  
8 SIXTY DAYS AFTER THE MAILING OF THIS NOTICE TO THE  
9 DIRECTOR.

10 IF THE ABOVE-NAMED SELLER DOES NOT RECEIVE A  
11 WRITTEN RESPONSE REGARDING A CLAIM BY THE DIRECTOR  
12 WITHIN SIXTY DAYS AFTER THE MAILING OF THIS NOTICE,  
13 THE SELLER MAY DISPOSE OF THE REMAINING FUNDS IN  
14 ACCORDANCE WITH SECTION 523A.303, CODE OF IOWA."

15 3. Upon receipt of the seller's written notice,  
16 the director shall determine if a debt is due the  
17 department of human services pursuant to section  
18 249A.5. If the director determines that a debt is  
19 owing, the director shall provide a written response  
20 to the seller within sixty days after the mailing of  
21 the seller's notice. If the director does not respond  
22 with a claim within the sixty-day period, any claim  
23 made by the director shall not be enforceable against  
24 the seller, the trust, or a trustee.

25 4. A personal representative who wishes to make a  
26 claim shall send written notice of the claim to the  
27 seller. If the seller does not receive any claim from  
28 a personal representative within the sixty-day period  
29 provided for response by the director regarding a  
30 claim, the claim of the personal representative shall  
31 not be enforceable against the seller, the trust, or a  
32 trustee.

33 5. Any person other than a personal representative

34 or the director claiming an interest in the remaining  
 35 funds shall submit an affidavit claiming an interest  
 36 which provides the following information:  
 37 a. Full name, current address, and telephone  
 38 number of the claimant.  
 39 b. Claimant's relationship to the deceased.  
 40 c. Name of any surviving next of kin of the  
 41 deceased, and the relationship of any named surviving  
 42 next of kin.  
 43 d. That the claimant has no knowledge of the  
 44 existence of a personal representative for the  
 45 deceased's estate.  
 46 6. The seller may retain not more than fifty  
 47 dollars of the remaining funds in the burial trust  
 48 fund for the administrative expenses associated with  
 49 the requirements of this section.  
 50 7. If the funds remaining in a burial trust fund

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1 are disbursed under the requirements of this section,  
 2 the seller, the provider, the burial trust fund, and  
 3 any trustee shall not be liable to the director, the  
 4 estate of the deceased, any personal representative,  
 5 or any other interested person for the remaining funds  
 6 and any lien imposed by the director shall be  
 7 unenforceable against the seller, the burial trust  
 8 fund, or any trustee.

#### 9 SUBCHAPTER 4

#### 10 TRUSTING ALTERNATIVES

11 Sec. \_\_\_\_ NEW SECTION. 523A.401 PURCHASE  
 12 AGREEMENTS FUNDED BY INSURANCE PROCEEDS.

13 1. A purchase agreement may be funded by insurance  
 14 proceeds derived from a new or existing insurance  
 15 policy issued by an insurance company authorized to do  
 16 business and doing business within this state.  
 17 2. Such funding may be in lieu of the trusting  
 18 requirements of this chapter when the purchaser  
 19 assigns the proceeds of an existing insurance policy.  
 20 3. Such funding may be in lieu of the trusting  
 21 requirements of this chapter when a new insurance  
 22 policy is purchased to fund the purchase agreement,  
 23 with a face amount equal to or greater than the  
 24 current retail price of the cemetery merchandise,  
 25 funeral merchandise, and funeral services to be  
 26 delivered under the purchase agreement or, if less, a  
 27 face amount equal to the total of all payments to be  
 28 submitted by the purchaser pursuant to the purchase  
 29 agreement.  
 30 4. The premiums of any new insurance policy shall  
 31 be fully paid within thirty days after execution of  
 32 the purchase agreement or, with respect to a purchase

33 agreement that provides for periodic payments, the  
34 premiums shall be paid directly by the purchaser to  
35 the insurance company issuing the policy.

36 5. Any new insurance policy shall satisfy the  
37 following conditions:

38 a. Except as necessary and appropriate to satisfy  
39 the requirements regarding burial trust funds under  
40 Title XIX of the federal Social Security Act, the  
41 policy shall not be owned by the establishment, the  
42 policy shall not be irrevocably assigned to the  
43 establishment, and the assignment of proceeds from the  
44 insurance policy to the establishment shall be limited  
45 to the establishment's interests as they appear in the  
46 purchase agreement, and conditioned on the  
47 establishment's delivery of cemetery merchandise,  
48 funeral merchandise, and funeral services pursuant to  
49 a purchase agreement.

50 b. The policy shall provide that any assignment of

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1 benefits is contingent upon the establishment's  
2 delivery of cemetery merchandise, funeral merchandise,  
3 and funeral services pursuant to a purchase agreement.

4 c. The policy shall have an increasing death  
5 benefit or similar feature that provides some means  
6 for increasing the funding as the cost of funeral and  
7 cemetery goods and services increases.

8 6. With the written consent of the purchaser, an  
9 existing prepaid purchase agreement with trust-funded  
10 benefits may be converted to a prepaid purchase  
11 agreement with insurance-funded benefits provided the  
12 establishment and the insurance benefits comply with  
13 the following provisions:

14 a. The transfer of the trust funds to the  
15 insurance company must be at least equal to the full  
16 sum required to be deposited as trust principal under  
17 the trust-funded prepaid purchase agreement plus all  
18 net earnings accumulated with respect thereto, as of  
19 the transfer date. Commissions, allowances, surrender  
20 charges or other forms of compensation or expense  
21 loads, premium expense, administrative charges or  
22 expenses, or policy fees shall not be deducted from  
23 the trust funds transferred pursuant to the  
24 conversion.

25 b. The face amount of any insurance policy issued  
26 on an individual must be no less than the amount of  
27 principal and interest transferred for that individual  
28 to the insurance company, and any supplemental  
29 insurance policy issued to cover the unfunded portion  
30 of the purchase agreement must have a face amount that  
31 is at least as great as the unfunded principal

32 balance. The face amount of the insurance purchased  
33 shall not, under any circumstances, be less than the  
34 total of all payments made by the purchaser pursuant  
35 to the agreement plus all net earnings accumulated  
36 with respect thereto, as of the transfer date.

37 c. The insurance policy shall not allow for  
38 contesting coverage, limit death benefits in the case  
39 of suicide, refer to physical examination, or  
40 otherwise operate as an exclusion, limitation, or  
41 condition other than requiring submission of proof of  
42 death or surrender of policy at the time the prepaid  
43 purchase agreement is funded, matures, or is canceled,  
44 as the case may be.

45 d. The establishment shall maintain a copy of any  
46 prepaid trust-funded purchase agreement that was  
47 converted to a prepaid insurance-funded purchase  
48 agreement and retain the payment history records for  
49 each converted purchase agreement prior to conversion,  
50 until the cemetery merchandise, funeral merchandise,

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1 and funeral services have been delivered.

2 7. The seller of a purchase agreement subject to  
3 this chapter which is to be funded by insurance  
4 proceeds shall obtain all permits required to be  
5 obtained and comply with all reporting requirements  
6 under this chapter.

7 8. An insurance company issuing policies funding  
8 purchase agreements subject to this chapter shall file  
9 an annual report with the commissioner on a form  
10 prescribed by the commissioner. The report shall list  
11 the applicable insurance policies outstanding for each  
12 establishment. Computer printouts may be submitted so  
13 long as each legibly provides the same information  
14 required in the prescribed form.

15 Sec. \_\_\_\_ NEW SECTION. 523A.402 PURCHASE  
16 AGREEMENTS FUNDED BY ANNUITY PROCEEDS.

17 1. A purchase agreement may be funded by proceeds  
18 derived from a new or existing annuity issued by an  
19 insurance company authorized to do business and doing  
20 business within this state.

21 2. Such funding may be in lieu of the trust  
22 requirements of this chapter when the purchaser  
23 assigns the proceeds of an existing annuity.

24 3. Such funding may be in lieu of the trust  
25 requirements of this chapter when a new annuity is  
26 purchased to fund the purchase agreement, with a face  
27 amount equal to or greater than the current retail  
28 price of the cemetery merchandise, funeral  
29 merchandise, and funeral services to be delivered  
30 under the purchase agreement or, if less, a face

31 amount equal to the total of all payments to be  
32 submitted by the purchaser pursuant to the purchase  
33 agreement.

34 4. The premiums of any new annuity shall be fully  
35 paid within thirty days after execution of the  
36 purchase agreement or, with respect to a purchase  
37 agreement that provides for periodic payments, the  
38 premiums shall be paid directly by the purchaser to  
39 the insurance company issuing the annuity.

40 5. The annuity shall satisfy the following  
41 conditions:

42 a. Except as necessary and appropriate to satisfy  
43 the requirements regarding burial trust funds under  
44 Title XIX of the federal Social Security Act, the  
45 annuity shall not be owned by the establishment or  
46 irrevocably assigned and any designation of the  
47 establishment as a beneficiary shall not be made  
48 irrevocable.

49 b. The annuity shall provide that any assignment  
50 of benefits is contingent upon the establishment's

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1 delivery of cemetery merchandise, funeral merchandise,  
2 and funeral services pursuant to a purchase agreement.  
3 c. The annuity shall have an increasing death  
4 benefit or similar feature that provides some means  
5 for increasing the funding as the cost of cemetery  
6 merchandise, funeral merchandise, and funeral services  
7 increases.

8 6. With the written consent of the purchaser, an  
9 existing prepaid purchase agreement with trust-funded  
10 benefits may be converted to a prepaid purchase  
11 agreement with annuity-funded benefits provided the  
12 establishment and the annuity benefits comply with the  
13 following provisions:

14 a. The transfer of the trust funds to the  
15 insurance company must be at least equal to the full  
16 sum required to be deposited as trust principal under  
17 the trust-funded prepaid purchase agreement plus all  
18 net earnings accumulated with respect thereto, as of  
19 the transfer date. Commissions, allowances, surrender  
20 charges or other forms of compensation or expense  
21 loads, premium expense, administrative charges or  
22 expenses, or fees shall not be deducted from the trust  
23 funds transferred pursuant to the conversion.

24 b. The face amount of any annuity issued on an  
25 individual must be no less than the amount of  
26 principal and interest transferred for that individual  
27 to the insurance company, and any supplemental annuity  
28 issued to cover the unfunded portion of the purchase  
29 agreement must have a face amount that is at least as

30 great as the unfunded principal balance. The face  
31 amount of the annuity purchased shall not, under any  
32 circumstances, be less than the total of all payments  
33 made by the purchaser pursuant to the agreement plus  
34 all net earnings accumulated with respect thereto, as  
35 of the transfer date.

36 c. The annuity shall not allow for contesting  
37 coverage, limit death benefits in the case of suicide,  
38 refer to physical examination, or otherwise operate as  
39 an exclusion, limitation, or condition other than  
40 requiring submission of proof of death or surrender of  
41 the annuity at the time the prepaid purchase agreement  
42 is funded, matures, or is canceled, as the case may  
43 be.

44 d. The establishment shall maintain a copy of any  
45 prepaid trust-funded purchase agreement that was  
46 converted to a prepaid annuity-funded purchase  
47 agreement and retain the payment history records for  
48 each converted purchase agreement prior to conversion  
49 until the cemetery merchandise, funeral merchandise,  
50 and funeral services have been delivered.

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1 7. The seller of a purchase agreement subject to  
2 this chapter which is to be funded by annuity proceeds  
3 shall obtain all permits required to be obtained and  
4 comply with all reporting requirements under this  
5 chapter.

6 8. An insurance company issuing annuities funding  
7 purchase agreements subject to this chapter shall file  
8 an annual report with the commissioner on a form  
9 prescribed by the commissioner. The report shall list  
10 the applicable annuities outstanding for each  
11 establishment. Computer printouts may be submitted so  
12 long as each legibly provides the same information  
13 required in the prescribed form.

14 Sec. \_\_\_\_ NEW SECTION. 523A.403 PURCHASE  
15 AGREEMENTS FUNDED BY CERTIFICATES OF DEPOSIT.

16 1. A purchase agreement may be funded by proceeds  
17 derived from a certificate of deposit in the name of  
18 the purchaser made payable to the seller upon the  
19 purchaser's death.

20 2. The seller of a purchase agreement subject to  
21 this chapter which is to be funded by a certificate of  
22 deposit shall obtain all permits required to be  
23 obtained and comply with all reporting requirements  
24 under this chapter, implementing rules, and orders.

25 Sec. \_\_\_\_ NEW SECTION. 523A.404 MERCHANDISE  
26 DELIVERED TO THE PURCHASER OR WAREHOUSED.

27 1. Trust requirements do not apply to payments for  
28 outer burial containers made of either polystyrene or

29 polypropylene or cemetery merchandise delivered to the  
30 purchaser or stored in an independent third-party  
31 storage facility not owned or controlled by the seller  
32 when approved by the commissioner. The seller or the  
33 storage facility must demonstrate that they will do  
34 all of the following:

- 35 a. Issue a receipt of ownership in the name of the
- 36 purchaser and deliver it to the purchaser.
- 37 b. Insure the merchandise against loss.
- 38 c. Protect the merchandise against damage.
- 39 d. Transfer title to the purchaser.
- 40 e. Appropriately identify and describe the
- 41 merchandise in a manner that it can be distinguished
- 42 from other similar items.
- 43 f. Use a method of storage that allows for visual
- 44 audits of the merchandise.
- 45 g. Have adequate, computerized, recordkeeping
- 46 systems in place to identify, describe, and count each
- 47 item in storage, including the ownership of each item,
- 48 and provide an aggregate listing with numerical
- 49 totals.
- 50 h. File a consent to be audited and inspected by

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1 the commissioner.

- 2 i. Provide reports to the commissioner, annually,
- 3 by an independent certified public accountant, which
- 4 shall include a physical count of merchandise held in
- 5 storage and a review of information, including the
- 6 seller's revenue and sales records, as necessary to
- 7 verify the adequacy of the number of items held at the
- 8 storage facility.
- 9 j. Satisfy the annual reporting requirements of
- 10 section 523A.204.

11 2. Lawn crypts may be delivered in lieu of

12 trusting. For this purpose, delivery means

13 installation in a grave owned by the purchaser. The

14 seller shall do all of the following:

- 15 a. Notify the administrator before the lawn crypts
- 16 are installed.
- 17 b. Identify the intended location of the lawn
- 18 crypts within the cemetery.
- 19 c. Provide documentation adequately demonstrating
- 20 delivery has occurred. Adequate documentation
- 21 includes but is not limited to photographs and third-
- 22 party certifications.
- 23 3. Cemetery merchandise and funeral merchandise
- 24 shall not be deemed delivered to the purchaser or
- 25 warehoused if the merchandise is subject to a lien or
- 26 security interest by any party other than the seller.
- 27 4. An establishment is prohibited from requiring

28 delivery as a condition of the sale.

29 5. A seller shall provide services necessary for  
30 the installation or burial of outer burial containers  
31 sold by the seller. This subsection shall not require  
32 the seller to provide for the opening or closing of  
33 the interment or entombment space, unless the purchase  
34 agreement provides otherwise.

35 Sec. \_\_. NEW SECTION. 523A.405 BOND IN LIEU OF  
36 TRUST FUND.

37 1. In lieu of trust requirements, a seller may  
38 file with the commissioner a surety bond issued by a  
39 surety company authorized to do business and doing  
40 business within this state. The bond must be  
41 conditioned upon the seller's faithful performance of  
42 purchase agreements subject to this chapter. The  
43 surety's liability extends to each such agreement  
44 executed while the bond is in force and until  
45 performance or rescision of the purchase agreement. To  
46 the extent expressly agreed to in writing by the  
47 surety, the surety's liability extends to each such  
48 agreement subject to this chapter executed prior to  
49 the time the bond was in force and until performance  
50 or rescision of the agreement. A purchaser aggrieved

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1 by a breach of a condition of the bond covering the  
2 purchaser's agreement may maintain an action against  
3 the bond. If, at the time of the breach, the  
4 purchaser is aware of the purchaser's rights under the  
5 bond and how to file a claim against the bond, the  
6 surety shall not be liable for any breach of condition  
7 unless the surety receives notice of a claim within  
8 sixty days following discovery of the acts, omissions,  
9 or conditions constituting the breach of condition,  
10 except as otherwise provided in this section. A  
11 surety bond shall not be canceled by a surety except  
12 upon a written notice of cancellation given by the  
13 surety to the commissioner by restricted certified  
14 mail, and not prior to the expiration of sixty days  
15 after receipt of the notice by the commissioner. The  
16 surety's liability shall extend to each purchase  
17 agreement subject to this chapter executed prior to  
18 cancellation of the surety bond until the seller has  
19 complied with section 3.

20 2. If a seller becomes insolvent or otherwise  
21 ceases to engage in business prior to or within sixty  
22 days after cancellation of a bond, the seller shall be  
23 deemed to have breached the bond conditions for  
24 outstanding agreements under this chapter as of the  
25 day prior to cancellation of the bond. The  
26 commissioner shall mail written notice by restricted

27 certified mail to the purchaser under each outstanding  
28 purchase agreement of the seller that a claim against  
29 the bond must be filed with the surety company within  
30 sixty days after the mailing date of the notice. The  
31 surety shall cease to be liable for all purchase  
32 agreements except those for which claims are filed  
33 with the surety company within sixty days after the  
34 date the commissioner mails the notices.

35 3. If a surety bond is canceled by a surety under  
36 any conditions other than those specified in  
37 subsection 2, the seller shall comply with all of the  
38 following:

39 a. The seller shall comply with the trust  
40 requirements of section 523A.201 for all purchase  
41 agreements subject to this chapter executed on or  
42 after the effective date of cancellation of the surety  
43 bond. In the alternative, the seller may submit a  
44 substitute surety bond meeting the requirements of  
45 subsection 1, but the seller must comply with section  
46 523A.201 for any purchase agreements executed on or  
47 after the effective cancellation date of the earlier  
48 surety bond and prior to the effective date of the  
49 later surety bond.

50 b. Within sixty days after the effective

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1 cancellation date of the surety bond, the seller shall  
2 submit to the commissioner an undertaking by another  
3 surety company that a substitute surety bond meeting  
4 the requirements of subsection 1 is in effect and that  
5 the liability of the substitute surety bond extends to  
6 all outstanding purchase agreements of the seller that  
7 were executed but not performed or extinguished prior  
8 to the effective date of the substitute surety bond,  
9 or the seller shall submit to the commissioner a  
10 financial statement accompanied by an unqualified  
11 opinion based upon an audit performed by a certified  
12 public accountant licensed in this state certifying  
13 the total amount of outstanding liabilities of the  
14 seller on purchase agreements subject to this chapter  
15 and proof of deposit by the seller in trust under  
16 section 523A.201 of either the amount specified in  
17 section 523A.201, including interest as set by the  
18 commissioner based on the interest which would have  
19 been earned had the funds been maintained in trust,  
20 with respect to all of those outstanding purchase  
21 agreements or, where applicable, that delivery of  
22 merchandise has been made in compliance with section  
23 523A.404. The surety may require such security as is  
24 necessary to comply with this section. Upon  
25 compliance by the seller with this paragraph, the

26 surety company canceling the surety bond shall cease  
27 to be liable with respect to any outstanding purchase  
28 agreements of the seller except those purchase  
29 agreements with respect to which a breach of condition  
30 occurred prior to cancellation and for which timely  
31 claims were filed.

32 4. Section 523A.202, and, to the extent it is  
33 applicable, section 523A.206, apply to sellers whose  
34 purchase agreements are covered by a surety bond  
35 maintained under this section, and section 523A.202  
36 continues to apply to any purchase agreements of those  
37 sellers that are not covered by a surety bond  
38 maintained under this section.

39 5. Upon receiving a notice of cancellation of a  
40 surety bond, the commissioner shall notify the seller  
41 of the requirements of this chapter resulting from  
42 cancellation of the bond. The notice may be in the  
43 form of a copy of this section and sections 523A.201  
44 and 523A.202.

45 6. Upon receiving a notice of cancellation, unless  
46 the seller has complied with the requirements of this  
47 section, the attorney general shall seek an injunction  
48 to prohibit the seller from making further purchase  
49 agreements subject to this chapter. The attorney  
50 general shall commence an action to attach and levy

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1 execution upon property of the seller when the seller  
2 fails to perform a purchase agreement subject to this  
3 chapter, to the extent necessary to secure compliance  
4 with this chapter. The county attorney may bring  
5 criminal charges under subchapter 7.

6 7. The surety under this section shall not be  
7 owned, under the control of, or affiliated with the  
8 seller.

9 8. The amount of the surety bond shall equal  
10 eighty percent of the payments received pursuant to  
11 purchase agreements, or the applicable portion  
12 thereof, for cemetery merchandise, funeral  
13 merchandise, funeral services, or a combination  
14 thereof and the amount needed to adjust the amount of  
15 the surety bond for inflation as set by the  
16 commissioner based on the consumer price index. The  
17 seller shall review the amount of the surety bond no  
18 less than annually and shall increase the bond as  
19 necessary to reflect additional payments. The amount  
20 needed to adjust for inflation shall be added annually  
21 to the surety bond during the first quarter of the  
22 establishment's fiscal year.

23 9. With the consent of the purchaser, an existing  
24 prepaid purchase agreement with trust-funded benefits

25 may be converted to a prepaid purchase agreement  
 26 funded by a surety bond provided the establishment and  
 27 the surety bond comply with the following provisions:  
 28 a. The amount of the trust funds transferred to  
 29 the surety company must be at least equal to the full  
 30 sum required to be deposited as trust principal under  
 31 the trust-funded prepaid purchase agreement plus all  
 32 net earnings accumulated with respect thereto, as of  
 33 the transfer date. Commissions, allowances, surrender  
 34 charges or other forms of compensation or expense  
 35 loads, premium expense, administrative charges or  
 36 expenses, or fees shall not be deducted from the trust  
 37 funds transferred pursuant to the conversion.  
 38 b. The face amount of the surety bond issued on an  
 39 individual must be no less than the amount of  
 40 principal and interest transferred for that individual  
 41 to the surety company, and any supplemental surety  
 42 bond issued to cover the unfunded portion of the  
 43 purchase agreement must have a face amount that is at  
 44 least as great as the unfunded principal balance. The  
 45 face amount of the surety bond purchased shall not,  
 46 under the circumstances, be less than the total of all  
 47 payments made by the purchaser pursuant to the  
 48 agreement plus all net earnings accumulated with  
 49 respect thereto, as of the transfer date.  
 50 c. The establishment shall maintain a copy of any

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1 prepaid trust-funded agreement that was converted to a  
 2 prepaid purchase agreement funded by a surety bond and  
 3 retain the payment history records for each converted  
 4 purchase agreement prior to conversion until the  
 5 cemetery merchandise, funeral merchandise, and funeral  
 6 services have been delivered.

#### 7 SUBCHAPTER 5

### 8 PERMIT REQUIREMENTS FOR SELLERS OF CEMETERY 9 MERCHANDISE, FUNERAL MERCHANDISE, FUNERAL SERVICES, 10 OR A COMBINATION THEREOF

11 Sec. \_\_\_\_ NEW SECTION. 523A.501 ESTABLISHMENT  
 12 PERMITS.

13 1. A person shall not advertise, sell, promote, or  
 14 offer to furnish cemetery merchandise, funeral  
 15 merchandise, funeral services, or a combination  
 16 thereof when performance or delivery may be more than  
 17 one hundred twenty days following the initial payment  
 18 on the account without an establishment permit. Each  
 19 establishment must have an establishment permit.  
 20 2. An application for an establishment permit  
 21 shall be filed on a form prescribed by the  
 22 commissioner, be accompanied by a fifty dollar filing  
 23 fee, and include a copy of each purchase agreement the

24 person will use for sales of cemetery merchandise,  
25 funeral merchandise, funeral services, or a  
26 combination thereof.

27 3. The application shall contain:

28 a. The name and address of the establishment.

29 b. The name and address of any additional provider  
30 of cemetery merchandise, funeral merchandise, funeral  
31 services, or a combination thereof.

32 c. The name and address of each owner, officer, or  
33 other official of the establishment, including when  
34 relevant the chief executive officer and the members  
35 of the board of directors.

36 d. A description of any common business enterprise  
37 or parent company.

38 e. The types of cemetery merchandise, funeral  
39 merchandise, funeral services, or a combination  
40 thereof to be sold.

41 f. The types of trust or trust alternatives  
42 utilized by the establishment and a list of the  
43 financial institutions, storage facilities, surety  
44 companies, and insurance companies utilized by the  
45 establishment on a regular basis.

46 4. A permit holder shall inform the commissioner  
47 of changes in the information required to be provided  
48 by subsection 3 within thirty days of the change.

49 5. An establishment permit is not assignable or  
50 transferable. A permit holder selling all or part of

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1 an establishment shall cancel the permit and the  
2 purchaser shall apply for a new permit in the  
3 purchaser's name within thirty days of the sale.

4 6. The commissioner shall grant or deny a permit  
5 application within thirty days after receipt, but the  
6 commissioner's failure to act within that time period  
7 shall not be deemed approval of the application. If  
8 the commissioner does not grant the permit, the  
9 commissioner shall notify the person in writing of the  
10 reasons for the denial. The permit shall disclose on  
11 its face the permit holder's employer or the  
12 establishment on whose behalf the applicant will be  
13 making or attempting to make sales, the permit number,  
14 and the expiration date.

15 7. An initial permit is valid for two years from  
16 the date the application is filed. A permit may be  
17 renewed for two years by filing the form prescribed by  
18 the commissioner under subsection 2, accompanied by a  
19 ten dollar renewal fee. Submission of purchase  
20 agreements is not required for renewals unless the  
21 purchase agreements have been modified since the last  
22 filing.

23 8. The commissioner may by rule create or accept a  
24 multijurisdiction establishment permit. If the  
25 establishment permit is issued by another  
26 jurisdiction, the rules shall require the filing of an  
27 application or notice form and payment of the  
28 applicable filing fee of fifty dollars for an initial  
29 application and ten dollars for a renewal application.  
30 The application or notice form utilized and the  
31 effective dates and terms of the permit may vary from  
32 the provisions set forth in subsections 2, 3, and 7.  
33 Sec. \_\_\_\_. NEW SECTION. 523A.502 SALES PERMITS.  
34 1. A person shall not advertise, sell, promote, or  
35 offer to furnish cemetery merchandise, funeral  
36 merchandise, funeral services, or a combination  
37 thereof when performance or delivery may be more than  
38 one hundred twenty days following initial payment on  
39 the account without a sales permit. A permit holder  
40 must be an employee or agent of a person holding an  
41 establishment permit who can deliver the cemetery  
42 merchandise, funeral merchandise, funeral services, or  
43 a combination thereof being sold. A person must have  
44 a sales permit for each establishment at which the  
45 person works. However, a person may apply for a sales  
46 permit covering multiple establishments, if the  
47 establishments have common ownership. The  
48 establishment permit holder is liable for the acts of  
49 its employees and agents performed in advertising,  
50 selling, promoting, or offering to furnish, upon the

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1 future death of a person named or implied in a  
2 purchase agreement, cemetery merchandise, funeral  
3 merchandise, funeral services, or a combination  
4 thereof.  
5 2. This chapter does not permit a person to  
6 practice mortuary science without a license. A person  
7 holding a current sales permit may advertise, sell,  
8 promote, or offer to furnish a funeral director's  
9 services as an employee or agent of a funeral  
10 establishment furnishing the funeral services under  
11 chapter 156.  
12 3. An application for a sales permit shall be  
13 filed on a form prescribed by the commissioner and be  
14 accompanied by a five dollar filing fee.  
15 4. The application shall contain:  
16 a. The name and address of the person.  
17 b. The name and address of the person's employer  
18 and each establishment on whose behalf the person will  
19 be advertising, selling, promoting, or offering to  
20 furnish cemetery merchandise, funeral merchandise,  
21 funeral services, or a combination thereof.

22 c. The name and address of the provider who will  
23 provide the cemetery merchandise, funeral merchandise,  
24 funeral services, or a combination thereof if  
25 different from the person's employer.

26 5. An initial permit expires one year from the  
27 date the application is filed. The permit may be  
28 renewed for four years by filing the form prescribed  
29 by the commissioner under subsection 3, accompanied by  
30 a twenty dollar filing fee.

31 6. A permit holder shall inform the commissioner  
32 of changes in the information required to be provided  
33 by subsection 4 within thirty days of the change.

34 7. A sales permit is not assignable or  
35 transferable. A permit holder selling all or part of  
36 a business shall cancel the permit and the purchaser  
37 shall apply for a new permit in the purchaser's name  
38 within thirty days of the sale.

39 8. The commissioner shall grant or deny a permit  
40 application within thirty days after receipt, but the  
41 commissioner's failure to act within that time period  
42 shall not be deemed approval of the application. If  
43 the commissioner does not grant the permit, the  
44 commissioner shall notify the applicant in writing of  
45 the reasons for the denial.

46 9. The commissioner may by rule create or accept a  
47 multijurisdiction sales permit. If the sales permit  
48 is issued by another jurisdiction, the rules shall  
49 require the filing of an application or notice form  
50 and payment of the applicable filing fee of five

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1 dollars for each year. The application or notice form  
2 utilized and the effective dates and terms of the  
3 permit may vary from the provisions set forth in  
4 subsections 3 and 5.

5 Sec. \_\_\_\_ NEW SECTION. 523A.503 DENIAL,  
6 SUSPENSION, REVOCATION, AND SURRENDER OF PERMITS.

7 1. The commissioner may, pursuant to chapter 17A,  
8 deny any permit application or immediately suspend or  
9 revoke any permit issued under this chapter for  
10 several reasons, including but not limited to:

11 a. Committing a fraudulent act, engaging in a  
12 fraudulent practice, or violating any provision of  
13 this chapter or, any implementing rule or order issued  
14 under this chapter.

15 b. Violating any other state or federal law  
16 applicable to the conduct of the applicant's or permit  
17 holder's business.

18 c. Insolvency or financial condition.

19 d. The permit holder, for the purpose of avoiding  
20 the trust requirement for funeral services, attributes

21 amounts paid under the purchase agreement to cemetery  
 22 merchandise or funeral merchandise that is delivered  
 23 under section 523A.404 rather than to funeral services  
 24 sold to the purchaser. The sale of funeral services  
 25 at a lower price when the sale is made in conjunction  
 26 with the sale of cemetery merchandise or funeral  
 27 merchandise to be delivered under section 523A.404  
 28 than the services are regularly and customarily sold  
 29 for when not sold in conjunction with cemetery  
 30 merchandise or funeral merchandise is evidence that  
 31 the permit holder is acting with the purpose of  
 32 avoiding the trust requirement for funeral services  
 33 under section 523A.201.

34 e. Engaging in a deceptive act or practice or  
 35 deliberately misrepresenting or omitting a material  
 36 fact regarding the sale of cemetery merchandise,  
 37 funeral merchandise, funeral services, or a  
 38 combination thereof under this chapter.

39 f. Conviction of a criminal offense involving  
 40 dishonesty or a false statement.

41 g. Inability to provide the cemetery merchandise,  
 42 funeral merchandise, funeral services, or a  
 43 combination thereof which the applicant or permit  
 44 holder purports to sell.

45 h. The applicant or permit holder sells the  
 46 business without filing a prior notice of sale with  
 47 the commissioner. The permit shall be revoked thirty  
 48 days following such sale.

49 i. Selling by a person who is not an employee or  
 50 agent of the applicant or permit holder.

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1 2. The commissioner may, for good cause shown,  
 2 suspend any permit for a period not exceeding thirty  
 3 days, pending investigation.

4 3. Except as provided in subsection 2, a permit  
 5 shall not be revoked or suspended except after notice  
 6 and hearing under chapter 17A.

7 4. Any permit holder may surrender a permit by  
 8 delivering to the commissioner written notice that the  
 9 permit holder surrenders the permit, but the surrender  
 10 shall not affect the permit holder's civil or criminal  
 11 liability for acts committed before the surrender.

12 5. Denial, revocation, suspension, or surrender of  
 13 a permit does not impair or affect the obligation of  
 14 any preexisting lawful agreement between the permit  
 15 holder and any person.

#### 16 SUBCHAPTER 6

#### 17 PURCHASE AGREEMENT REQUIREMENTS

18 Sec. \_\_\_\_ NEW SECTION. 523A.601 DISCLOSURES.

19 1. A purchase agreement for cemetery merchandise,

20 funeral merchandise, funeral services, or a  
21 combination thereof shall be written in clear,  
22 understandable language, and shall be printed or typed  
23 in an easy-to-read font, size, and style, and shall:

24 a. Identify the seller, the salesperson's permit  
25 and establishment name and permit number, the  
26 expiration date of the salesperson's permit, the  
27 purchaser, and the person for whom the cemetery  
28 merchandise, funeral merchandise, funeral services, or  
29 a combination thereof is purchased, if other than the  
30 purchaser.

31 b. Specify the cemetery merchandise, funeral  
32 merchandise, funeral services, or a combination  
33 thereof, to be provided, and the cost of each  
34 merchandise item or service.

35 c. State clearly the conditions upon which  
36 substitution will be allowed.

37 d. State the total purchase price and the terms  
38 under which it is to be paid.

39 e. State clearly whether the purchase agreement is  
40 a guaranteed price agreement or a nonguaranteed price  
41 agreement. A nonguaranteed price agreement shall  
42 contain in twelve point bold-faced type an explanation  
43 of the consequences of such agreement in substantially  
44 the following language:

45 THE PRICES OF MERCHANDISE AND SERVICES UNDER THIS  
46 AGREEMENT ARE SUBJECT TO CHANGE IN THE FUTURE. ANY  
47 FUNDS PAID UNDER THIS AGREEMENT ARE ONLY A DEPOSIT TO  
48 BE APPLIED, TOGETHER WITH ACCRUED INCOME, TOWARD THE  
49 FINAL COSTS OF THE MERCHANDISE OR SERVICES AGREED  
50 UPON. ADDITIONAL CHARGES MAY BE INCURRED WHEN

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1 ADDITIONAL MERCHANDISE OR SERVICES OR BOTH ARE  
2 PROVIDED OR WHEN PRICES HAVE INCREASED MORE THAN  
3 ACCRUED INCOME.

4 f. State that the purchase of the cemetery  
5 merchandise, funeral merchandise, and funeral services  
6 is revocable and specify the damages for cancellation,  
7 if any.

8 g. State clearly who has the authority to cancel,  
9 amend, or revoke the purchase agreement to purchase  
10 cemetery merchandise, funeral merchandise, and funeral  
11 services.

12 h. State clearly that the purchaser is entitled to  
13 rescind the purchase agreement under terms and  
14 conditions specified by section 523A.602.

15 i. Include an explanation of regulatory oversight  
16 by the insurance division in twelve point bold-faced  
17 type, in substantially the following language:

18 THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY

19 THE IOWA INSURANCE DIVISION. YOU MAY CALL THE  
20 INSURANCE DIVISION AT (\_\_\_\_) \_\_\_\_\_. WRITTEN  
21 INQUIRIES OR COMPLAINTS SHOULD BE MAILED TO THE IOWA  
22 SECURITIES BUREAU, (STREET ADDRESS), (CITY), IOWA (ZIP  
23 CODE).

24 2. A purchase agreement that is funded by a trust  
25 shall also:

26 a. State the percentage of money to be placed in  
27 trust.

28 b. Explain the disposition of the income generated  
29 from investments and include a statement of the  
30 purchaser's responsibility for income taxes owed on  
31 the income if applicable.

32 c. State that if, after all payments are made  
33 under the conditions and terms of the purchase  
34 agreement for cemetery merchandise, funeral  
35 merchandise, funeral services, or a combination  
36 thereof, any funds remain in the nonguaranteed  
37 irrevocable burial trust fund, the seller shall  
38 disburse the remaining funds according to law.

39 d. State clearly the terms of the funeral and  
40 burial trust agreement and whether it is revocable or  
41 irrevocable.

42 e. State clearly that the purchaser is entitled to  
43 transfer the trust funding, insurance funding, or  
44 other trust assets or select another establishment to  
45 receive the trust funding, insurance funding, or any  
46 other trust assets.

47 f. State clearly who has the authority to amend or  
48 revoke the trust agreement, if revocable, and who has  
49 the authority to appoint successor trustees if the  
50 purchase agreement is canceled.

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1 3. The commissioner may adopt rules establishing  
2 disclosure and format requirements to promote consumer  
3 understanding of the merchandise and services  
4 purchased and the available funding mechanisms for a  
5 purchase agreement under this chapter.

6 4. A purchase agreement shall be signed by the  
7 purchaser, the seller, and if the agreement is for  
8 funeral services as defined in chapter 156, a person  
9 licensed to deliver funeral services.

10 5. The seller shall disclose the following  
11 information prior to accepting the initial payment  
12 under a purchase agreement:

13 a. The specific method or methods (trust deposits,  
14 certificates of deposit, life insurance or an annuity,  
15 a surety bond, or warehousing) that will be used to  
16 fund the purchase agreement.

17 b. The relationship between the soliciting agent

18 or agents, the provider of the cemetery merchandise,  
19 funeral merchandise, or funeral services, or  
20 combination thereof, the commissioner, and any other  
21 person.

22 c. The relationship of the life insurance policy  
23 or other trust assets to the funding of the purchase  
24 agreement and the nature and existence of any  
25 guarantees regarding the purchase agreement.

26 d. The impact on the purchase agreement of the  
27 following:

28 (1) Changes in the funding, including but not  
29 limited to changes in the assignment, beneficiary  
30 designation, trustee, or use of proceeds.

31 (2) Any penalties to be incurred by the purchaser  
32 as a result of the failure to make any additional  
33 payments required.

34 (3) Penalties to be incurred upon cancellation.

35 e. A list of cemetery merchandise, funeral  
36 merchandise, and funeral services which are agreed  
37 upon under the purchase agreement and all relevant  
38 information concerning the price of the cemetery  
39 merchandise, funeral merchandise, funeral services, or  
40 a combination thereof, including a statement that the  
41 purchase price is either guaranteed at the time of  
42 purchase or to be determined at the time of need.

43 f. All relevant information concerning what occurs  
44 and whether any entitlements or obligations arise if  
45 there is a difference between the funding and the  
46 amount actually needed to fund the purchase agreement.

47 g. Any penalties or restrictions including but not  
48 limited to geographic restrictions or the inability of  
49 the provider to perform, upon delivery of cemetery  
50 merchandise, funeral merchandise, or funeral services,

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1 or the purchase agreement guarantee.

2 h. If the funding is being transferred from  
3 another establishment, any material facts related to  
4 the revocation of the prior purchase agreement and the  
5 transfer of the existing trust funds.

6 Sec. \_\_\_\_ NEW SECTION. 523A.602 CONSUMER  
7 PRECISION, CANCELLATION, AND REFUND RIGHTS, AND  
8 PURCHASE AGREEMENT COMPLIANCE WITH OTHER LAWS.

9 1. A seller shall furnish the purchaser with a  
10 completed copy of a purchase agreement pertaining to  
11 the sale at the time the purchase agreement is signed.

12 The seller shall comply with the following terms:

13 a. The same language shall be used in both the  
14 oral sales representation and the written purchase  
15 agreement.

16 b. The seller shall give notice in the purchase

17 agreement of the purchaser's right to rescind after  
18 signing the purchase agreement. The rescision period  
19 must be but may be greater than three business days  
20 after the date of the purchase agreement. The notice  
21 must:

22 (1) Be located close to the signature line.

23 (2) Be printed in twelve point bold-faced type.

24 (3) State that "YOU, THE PURCHASER, HAVE THE RIGHT  
25 TO RESCIND THIS AGREEMENT AT ANY TIME PRIOR TO  
26 MIDNIGHT OF THE (INSERT RELEVANT NUMBER, NOT LESS THAN  
27 THREE) BUSINESS DAYS AFTER THE DATE OF THIS  
28 AGREEMENT."

29 c. All moneys shall be refunded without penalty  
30 within ten days after rescision.

31 2. CANCELLATION REFUND.

32 a. A purchase agreement must include a statement  
33 that the purchaser has the right to cancel the  
34 agreement for the purchase of cemetery merchandise,  
35 funeral merchandise, and funeral services upon written  
36 demand and designate or appoint a trustee to hold,  
37 manage, invest, and distribute the trust assets.

38 b. If a purchase agreement is canceled, a  
39 purchaser requests a transfer of the trust assets upon  
40 cancellation of a purchase agreement, or another  
41 establishment provides merchandise or services  
42 designated in a purchase agreement, the seller shall  
43 refund or transfer within thirty days of receiving a  
44 written demand no less than the purchase price of the  
45 applicable cemetery merchandise, funeral merchandise,  
46 and funeral services adjusted for inflation, using the  
47 consumer price index amounts announced by the  
48 commissioner annually, less any cancellation penalty  
49 set forth in the purchase agreement. The amount of  
50 the cancellation penalty shall not exceed ten percent

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1 of the purchase price of the applicable cemetery  
2 merchandise, funeral merchandise, and funeral  
3 services. The seller may also deduct the value of the  
4 cemetery merchandise, funeral merchandise, and funeral  
5 services already received by, delivered to, or  
6 warehoused for the purchaser.

7 c. A purchase agreement must include a statement  
8 that the purchaser is entitled to a refund of the  
9 purchase price of the applicable funeral merchandise  
10 adjusted for inflation, using the consumer price index  
11 amounts announced by the commissioner annually for any  
12 item of funeral merchandise that cannot be delivered  
13 to the location specified in the purchase agreement  
14 within forty-eight hours of notice of the individual's  
15 death, unless the delay is caused by weather

16 conditions or a natural disaster. The seller must  
 17 return such refund to the purchaser within thirty days  
 18 of receiving the written demand.

19 3. This section does not prohibit a purchaser who  
 20 is or may become eligible for benefits under Title XIX  
 21 of the federal Social Security Act from making a  
 22 guaranteed price purchase agreement irrevocable to the  
 23 extent that federal law or regulations require that  
 24 such an agreement be irrevocable for purposes of a  
 25 purchaser's eligibility for benefits under Title XIX  
 26 of the federal Social Security Act, as permitted under  
 27 federal law. The seller of credit sale agreements  
 28 shall comply with the requirements of chapter 537, the  
 29 Iowa consumer credit code, and is subject to the  
 30 remedies and penalties provided in that chapter for  
 31 noncompliance.

#### 32 SUBCHAPTER 7

#### 33 FRAUDULENT PRACTICES

34 Sec. \_\_\_\_ NEW SECTION. 523A.701 MISLEADING  
 35 FILINGS.

36 It is unlawful for a person to make or cause to be  
 37 made, in any document filed with the commissioner, or  
 38 in any proceeding under this chapter, any statement of  
 39 material fact which is, at the time and in the light  
 40 of the circumstances under which it is made, false or  
 41 misleading, or, in connection with such statement, to  
 42 omit to state a material fact necessary in order to  
 43 make the statements made, in the light of the  
 44 circumstances under which they are made, not  
 45 misleading.

46 Sec. \_\_\_\_ NEW SECTION. 523A.702  
 47 MISREPRESENTATIONS OF GOVERNMENT APPROVAL.

48 It is unlawful for a seller under this chapter to  
 49 represent or imply in any manner that the seller has  
 50 been sponsored, recommended, or approved, or that the

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1 seller's abilities or qualifications have in any  
 2 respect been passed upon by the commissioner.  
 3 Sec. \_\_\_\_ NEW SECTION. 523A.703 FRAUDULENT  
 4 PRACTICES.

5 A person who commits any of the following acts  
 6 commits a fraudulent practice and is punishable as  
 7 provided in chapter 714:

8 1. Knowingly fails to comply with any requirement  
 9 of this chapter.

10 2. Knowingly makes, causes to be made, or  
 11 subscribes to a false statement or representation in a  
 12 report or other document required under this chapter,  
 13 implementing rules, or orders, or renders such a  
 14 report or document misleading through the deliberate

15 omission of information properly belonging in the  
 16 report or document.

17 3. Conspires to defraud in connection with the  
 18 sale of cemetery merchandise, funeral merchandise,  
 19 funeral services, or a combination thereof under this  
 20 chapter.

21 4. Fails to deposit funds under sections 523A.201  
 22 and 523A.202 or withdraws any funds in a manner  
 23 inconsistent with this chapter.

24 5. Knowingly sells or offers cemetery merchandise,  
 25 funeral merchandise, funeral services, or a  
 26 combination thereof without an establishment permit.

27 6. Deliberately misrepresents or omits a material  
 28 fact relative to the sale of cemetery merchandise,  
 29 funeral merchandise, funeral services, or a  
 30 combination thereof under this chapter. When selling  
 31 cemetery merchandise or funeral merchandise, a seller  
 32 shall not exclude the funeral services necessary for  
 33 the delivery, use, or installation of the cemetery  
 34 merchandise or funeral merchandise at the time of the  
 35 funeral or burial unless the purchase agreement  
 36 expressly provides otherwise.

#### 37 SUBCHAPTER 8

#### 38 ADMINISTRATION AND ENFORCEMENT

#### 39 Sec. \_\_\_\_ NEW SECTION. 523A.801 ADMINISTRATION.

40 1. This chapter shall be administered by the  
 41 commissioner. The deputy administrator appointed  
 42 pursuant to section 502.601 shall be the principal  
 43 operations officer responsible to the commissioner for  
 44 the routine administration of this chapter and  
 45 management of the administrative staff. In the  
 46 absence of the commissioner, whether because of  
 47 vacancy in the office due to absence, physical  
 48 disability, or other cause, the deputy administrator  
 49 shall, for the time being, have and exercise the  
 50 authority conferred upon the commissioner. The

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1 commissioner may by order from time to time delegate  
 2 to the deputy administrator any or all of the  
 3 functions assigned to the commissioner in this  
 4 chapter. The deputy administrator shall employ  
 5 officers, attorneys, accountants, and other employees  
 6 as needed for administering this chapter.

7 2. It is unlawful for the commissioner or any  
 8 administrative staff to use for personal benefit any  
 9 information which is filed with or obtained by the  
 10 commissioner and which is not made public. This  
 11 chapter does not authorize the commissioner or any  
 12 such staff member to disclose any such information  
 13 except among themselves or to other cemetery and

14 funeral administrators, regulatory authorities, or  
15 governmental agencies, or when necessary and  
16 appropriate in a proceeding or investigation under  
17 this chapter or as required by chapter 22. This  
18 chapter neither creates nor derogates any privileges  
19 that exist at common law or otherwise when documentary  
20 or other evidence is sought under a subpoena directed  
21 to the commissioner or any administrative staff.

22 Sec. \_\_\_\_ NEW SECTION. 523A.802 SCOPE.

23 1. This chapter applies to any advertisement,  
24 sale, promotion, or offer made by a person to furnish,  
25 upon the future death of a person named or implied in  
26 a purchase agreement, cemetery merchandise, funeral  
27 merchandise, funeral services, or a combination  
28 thereof. Burial accounts and insurance policies are  
29 included if the account records or related documents  
30 identify the establishment that will provide the  
31 cemetery merchandise, funeral merchandise, funeral  
32 services, or a combination thereof.

33 2. This chapter applies when a purchase agreement  
34 is executed within this state or an advertisement,  
35 promotion, or offer to furnish is made or accepted  
36 within this state. An offer to furnish is made within  
37 this state, whether or not either party is then  
38 present in this state, when the offer originates from  
39 this state or is directed by the offeror to this state  
40 and received by the offeree in this state through the  
41 mail, over the telephone, by the internet, or through  
42 any other means of commerce.

43 3. If a foreign person does not have a registered  
44 agent or agents in the state of Iowa, doing business  
45 within this state shall constitute the person's  
46 appointment of the secretary of state of the state of  
47 Iowa to be its true and lawful attorney upon whom may  
48 be served all lawful process of original notice in  
49 actions or proceedings arising or growing out of any  
50 contract or tort.

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1 Sec. \_\_\_\_ NEW SECTION. 523A.803 INVESTIGATIONS  
2 AND SUBPOENAS.

3 1. The commissioner may, for the purpose of  
4 discovering violations of this chapter, implementing  
5 rules, or orders issued under this chapter:  
6 a. Make such public or private investigations  
7 within or outside of this state as the commissioner  
8 deems necessary to determine whether any person has  
9 violated or is about to violate this chapter,  
10 implementing rules, or orders issued under this  
11 chapter, or to aid in enforcement of this chapter or  
12 in the prescribing of rules and forms under this

13 chapter.

14 b. Require or permit any person to file a  
15 statement in writing, under oath or otherwise as the  
16 commissioner or attorney general determines, as to all  
17 the facts and circumstances concerning the matter to  
18 be investigated.

19 c. Notwithstanding chapter 22, keep confidential  
20 the information obtained in the course of an  
21 investigation. However, if the commissioner  
22 determines that it is necessary or appropriate in the  
23 public interest or for the protection of the public,  
24 the commissioner may share information with other  
25 administrators, regulatory authorities, or  
26 governmental agencies, or may publish information  
27 concerning a violation of this chapter, implementing  
28 rules, or orders issued under this chapter.

29 d. Investigate the establishment and examine the  
30 books, accounts, papers, correspondence, memoranda,  
31 purchase agreements, files, or other documents or  
32 records used by every applicant and permit holder  
33 under this chapter.

34 e. Administer oaths and affirmations, subpoena  
35 witnesses, compel their attendance, take evidence, and  
36 require the production of any books, accounts, papers,  
37 correspondence, memoranda, purchase agreements, files,  
38 or other documents or records which the commissioner  
39 deems relevant or material to any investigation or  
40 proceeding under this chapter and implementing rules,  
41 all of which may be enforced under chapter 17A.

42 f. Apply to the district court for an order  
43 requiring a person's appearance before the  
44 commissioner or attorney general, or a designee of  
45 either or both, in cases where the person has refused  
46 to obey a subpoena issued by the commissioner or  
47 attorney general. The person may also be required to  
48 produce documentary evidence germane to the subject of  
49 the investigation. Failure to obey a court order  
50 under this subsection constitutes contempt of court.

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1 2. The commissioner may issue and bring an action  
2 in district court to enforce subpoenas within this  
3 state at the request of an agency or administrator of  
4 another state, if the activity constituting an alleged  
5 violation for which the information is sought would be  
6 a violation of this chapter had the activity occurred  
7 in this state.

8 Sec. \_\_\_\_ NEW SECTION. 523A.804 MEDIATION.  
9 The commissioner may order an establishment to  
10 participate in mediation in any dispute regarding a  
11 purchase agreement. Mediation performed under this

12 section shall be conducted by a mediator appointed by  
13 the commissioner and shall comply with the provisions  
14 of chapter 679C.

15 Mediation of these disputes shall include  
16 attendance at a mediation session with the mediator  
17 and the parties to the dispute, listening to the  
18 mediator's explanation of the mediation process,  
19 presentation of one party's view of the dispute, and  
20 listening to the response of the other party.

21 Participation in mediation does not require that the  
22 parties reach a mediation agreement.

23 Parties to the mediation shall have the right to  
24 advice and presence of counsel at all times. The  
25 parties to the mediation shall present any mediation  
26 agreement reached through the mediation to the  
27 commissioner. If a mediation agreement is not  
28 reached, the mediator shall file a report with the  
29 commissioner. The costs of the mediation shall be  
30 approved by the commissioner and shall be borne by the  
31 insurance division's regulatory fund.

32 Sec. \_\_\_\_ NEW SECTION. 523A.805 CEASE AND DESIST  
33 ORDERS -- INJUNCTIONS.

34 If it appears to the commissioner that a person has  
35 engaged or is about to engage in an act or practice  
36 constituting a violation of this chapter, implementing  
37 rules, or orders issued under this chapter, the  
38 commissioner or the attorney general may do either or  
39 both of the following:

40 1. Issue a summary order directed at the person  
41 requiring the person to cease and desist from engaging  
42 in such act or practice. A person may request a  
43 hearing within thirty days of issuance of the summary  
44 order. If a hearing is not timely requested, the  
45 summary order shall become final by operation of law.  
46 The order shall remain effective from the date of  
47 issuance until the date the order becomes final by  
48 operation of law or is overturned by a presiding  
49 officer following a request for hearing. Section  
50 17A.18A is inapplicable to summary cease and desist

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1 orders issued under this section.  
2 2. Bring an action in the district court in any  
3 county of the state for an injunction to restrain a  
4 person subject to this chapter and any agents,  
5 employees, or associates of the person from engaging  
6 in conduct or practices deemed contrary to the public  
7 interest. In any proceeding for an injunction, the  
8 commissioner or attorney general may apply to the  
9 court for a subpoena to require the appearance of a  
10 defendant and the defendant's agents and for any

11 books, accounts, papers, correspondence, memoranda,  
 12 purchase agreements, files, or other documents or  
 13 records germane to the hearing upon the petition for  
 14 an injunction. Upon a proper showing, a permanent or  
 15 temporary injunction, restraining order, or writ of  
 16 mandamus shall be granted and a receiver may be  
 17 appointed for the defendant or the defendant's assets.  
 18 The commissioner or attorney general shall not be  
 19 required to post a bond.

20 Sec. \_\_\_\_ NEW SECTION. 523A.806 COURT ACTION FOR  
 21 FAILURE TO COOPERATE.

22 If a person fails or refuses to file any statement  
 23 or report or to produce any books, accounts, papers,  
 24 correspondence, memoranda, purchase agreements, files,  
 25 or other documents or records, or to obey any subpoena  
 26 issued by the commissioner, the commissioner may refer  
 27 the matter to the attorney general, who may apply to a  
 28 district court to enforce compliance. The court may  
 29 order any or all of the following:

- 30 1. Injunctive relief, restricting or prohibiting  
 31 the offer or sale of cemetery merchandise, funeral  
 32 merchandise, funeral services, or a combination  
 33 thereof.
- 34 2. Revocation or suspension of any permit issued  
 35 under this chapter.
- 36 3. Production of documents or records including  
 37 but not limited to books, accounts, papers,  
 38 correspondence, memoranda, purchase agreements, files,  
 39 or other documents or records.

- 40 4. Such other relief as may be required.  
 41 Such an order shall be effective until the person  
 42 files the statement or report or produces the  
 43 documents requested, or obeys the subpoena.

44 Sec. \_\_\_\_ NEW SECTION. 523A.807 PROSECUTION FOR  
 45 VIOLATIONS OF LAW.

- 46 1. A violation of this chapter or rules adopted or  
 47 orders issued under this chapter is a violation of  
 48 section 714.16, subsection 2, paragraph "a". The  
 49 remedies and penalties provided by section 714.16,  
 50 including but not limited to injunctive relief and

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- 1 penalties, apply to violations of this chapter.
- 2 2. If the commissioner believes that grounds exist  
 3 for the criminal prosecution of persons subject to  
 4 this chapter for violations of this chapter or any  
 5 other law of this state, the commissioner may forward  
 6 to the attorney general or the county attorney the  
 7 grounds for the belief, including all evidence in the  
 8 commissioner's possession, so that the attorney  
 9 general or the county attorney may proceed with the

10 matter as deemed appropriate.

11 Sec. \_\_\_\_ NEW SECTION. 523A.808 COOPERATION WITH  
12 OTHER AGENCIES.

13 1. To encourage uniform interpretation and  
14 administration of this chapter and effective  
15 regulation of the sale of cemetery merchandise,  
16 funeral merchandise, and funeral services, the  
17 commissioner may cooperate with any governmental law  
18 enforcement or regulatory agency.

19 2. This cooperation includes but is not limited  
20 to:

- 21 a. Making a joint examination or investigation.
- 22 b. Holding a joint administrative hearing.
- 23 c. Filing and prosecuting a joint civil or  
24 administrative proceeding.
- 25 d. Sharing and exchanging personnel.
- 26 e. Sharing and exchanging relevant information and  
27 documents.
- 28 f. Formulating, in accordance with chapter 17A,  
29 rules or proposed rules on matters such as statements  
30 of policy, regulatory standards, guidelines, and  
31 interpretive opinions.

32 Sec. \_\_\_\_ NEW SECTION. 523A.809 RULES, FORMS,  
33 AND ORDERS.

34 1. Under chapter 17A, the commissioner may from  
35 time to time make, amend, and rescind such rules,  
36 forms, and orders as are necessary or appropriate for  
37 the protection of purchasers and the public and to  
38 administer the provisions of this chapter, its  
39 implementing rules, and orders issued under this  
40 chapter.

41 2. A rule, form, or order shall not be made,  
42 amended, or rescinded unless the commissioner finds  
43 that the action is necessary or appropriate in the  
44 public interest or for the protection of purchasers  
45 and consistent with the purposes fairly intended by  
46 the policies and provisions of this chapter, its  
47 implementing rules, and orders issued under this  
48 chapter.

49 3. A provision of this chapter imposing any  
50 liability does not apply to any act done or omitted in

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1 good faith in conformity with any rules, form, or  
2 order of the commissioner, notwithstanding that the  
3 rule, form, or order may later be amended or rescinded  
4 or be determined by judicial or other authority to be  
5 invalid for any reason.

6 Sec. \_\_\_\_ NEW SECTION. 523A.810 DATE OF FILING  
7 AND INTERPRETIVE OPINIONS.

8 1. A document is filed when it is received by the

9 commissioner.

10 2. Requests for interpretive opinions may be  
11 granted in the commissioner's discretion.

12 Sec. \_\_\_\_ NEW SECTION. 523A.811 RECEIVERSHIPS.

13 1. The commissioner shall notify the attorney  
14 general of the potential need for establishment of a  
15 receivership if the commissioner finds that a seller  
16 subject to this chapter meets one or more of the  
17 following conditions:

18 a. Is insolvent.

19 b. Has utilized trust funds for personal or  
20 business purposes in a manner inconsistent with this  
21 chapter.

22 c. The amount of funds currently held in trust for  
23 cemetery merchandise, funeral merchandise, and funeral  
24 services is less than eighty percent of all payments  
25 made under the purchase agreements referred to in  
26 section 523A.201.

27 d. Has refused to pay any just claim or demand  
28 based on a purchase agreement referred to in section  
29 523A.201.

30 e. The commissioner finds upon investigation that  
31 a seller is unable to pay any claim or demand based on  
32 a purchase agreement which has been legally determined  
33 to be just and outstanding.

34 2. The commissioner or attorney general may apply  
35 to the district court in any county of the state for  
36 the establishment of a receivership. Upon proof of  
37 any of the grounds for a receivership described in  
38 this section, the court may grant a receivership.

39 Sec. \_\_\_\_ NEW SECTION. 523A.812 INSURANCE  
40 DIVISION'S REGULATORY FUND.

41 The insurance division may authorize the creation  
42 of a special revenue fund in the state treasury, to be  
43 known as the insurance division regulatory fund. The  
44 commissioner shall allocate annually from the fees  
45 paid pursuant to section 523A.204, two dollars for  
46 each purchase agreement reported on an establishment  
47 permit holder's annual report for deposit to the  
48 regulatory fund. The remainder of the fees collected  
49 pursuant to section 523A.204 shall be deposited into  
50 the general fund of the state. The moneys in the

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1 regulatory fund shall be retained in the fund. The  
2 moneys are appropriated and, subject to authorization  
3 by the commissioner, may be used to pay auditors,  
4 audit expenses, investigative expenses, the expenses  
5 of mediation ordered by the commissioner, consumer  
6 education expenses, the expenses of a toll-free  
7 telephone line to receive consumer complaints, and the

8 expenses of receiverships established under section  
9 523A.811. An annual allocation to the regulatory fund  
10 shall not be imposed if the current balance of the  
11 fund exceeds two hundred thousand dollars.

12 Sec. \_\_\_\_ NEW SECTION. 523A.813 LICENSE  
13 REVOCATION -- RECOMMENDATION BY COMMISSIONER TO BOARD  
14 OF MORTUARY SCIENCE EXAMINERS.

15 Upon a determination by the commissioner that  
16 grounds exist for an administrative license revocation  
17 or suspension action by the board of mortuary science  
18 examiners under chapter 156, the commissioner may  
19 forward to the board the grounds for the  
20 determination, including all evidence in the  
21 possession of the commissioner, so that the board may  
22 proceed with the matter as deemed appropriate.

23 SUBCHAPTER 9

24 LIQUIDATION PROCEDURES

25 Sec. \_\_\_\_ NEW SECTION. 523A.901 LIQUIDATION.  
26 1. GROUNDS FOR LIQUIDATION. The commissioner may  
27 petition the district court for an order directing the  
28 commissioner to liquidate an establishment on either  
29 of the following grounds:

30 a. The establishment did not deposit funds  
31 pursuant to section 523A.201 or withdrew funds in a  
32 manner inconsistent with this chapter and is  
33 insolvent.

34 b. The establishment did not deposit funds  
35 pursuant to section 523A.201 or withdrew funds in a  
36 manner inconsistent with this chapter and the  
37 condition of the establishment is such that further  
38 transaction of business would be hazardous,  
39 financially or otherwise, to purchasers or the public.

40 2. LIQUIDATION ORDER.

41 a. An order to liquidate the business of an  
42 establishment shall appoint the commissioner as  
43 liquidator and shall direct the liquidator to  
44 immediately take possession of the assets of the  
45 establishment and to administer them under the general  
46 supervision of the court. The liquidator is vested  
47 with the title to the property, contracts, and rights  
48 of action and the books and records of the  
49 establishment ordered liquidated, wherever located, as  
50 of the entry of the final order of liquidation. The

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1 filing or recording of the order with the clerk of  
2 court and the recorder of deeds of the county in which  
3 its principal office or place of business is located,  
4 or, in the case of real estate with the recorder of  
5 deeds of the county where the property is located, is  
6 notice as a deed, bill of sale, or other evidence of

7 title duly filed or recorded with the recorder of  
8 deeds.

9 b. Upon issuance of an order, the rights and  
10 liabilities of an establishment and of the  
11 establishment's creditors, purchasers, owners, and  
12 other persons interested in the establishment's estate  
13 shall become fixed as of the date of the entry of the  
14 order of liquidation, except as provided in subsection  
15 14.

16 c. At the time of petitioning for an order of  
17 liquidation, or at any time after the time of  
18 petitioning, the commissioner, after making  
19 appropriate findings of an establishment's insolvency,  
20 may petition the court for a declaration of  
21 insolvency. After providing notice and hearing as it  
22 deems proper, the court may make the declaration.

23 d. An order issued under this section shall  
24 require accounting to the court by the liquidator.  
25 Accountings, at a minimum, must include all funds  
26 received or disbursed by the liquidator during the  
27 current period. An accounting shall be filed within  
28 one year of the liquidation order and at such other  
29 times as the court may require.

30 e. Within five days after the initiation of an  
31 appeal of an order of liquidation, which order has not  
32 been stayed, the commissioner shall present for the  
33 court's approval a plan for the continued performance  
34 of the establishment's obligations during the pendency  
35 of an appeal. The plan shall provide for the  
36 continued performance of purchase agreements in the  
37 normal course of events, notwithstanding the grounds  
38 alleged in support of the order of liquidation  
39 including the ground of insolvency. If the defendant  
40 establishment's financial condition, in the judgment  
41 of the commissioner, will not support the full  
42 performance of all obligations during the appeal  
43 pendency period, the plan may prefer the claims of  
44 certain purchasers and claimants over creditors and  
45 interested parties as well as other purchasers and  
46 claimants, as the commissioner finds to be fair and  
47 equitable considering the relative circumstances of  
48 such purchasers and claimants. The court shall  
49 examine the plan submitted by the commissioner and if  
50 it finds the plan to be in the best interests of the

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1 parties, the court shall approve the plan. An action  
2 shall not lie against the commissioner or any of the  
3 commissioner's deputies, agents, clerks, assistants,  
4 or attorneys by any party based on preference in an  
5 appeal pendency plan approved by the court.

6 3. POWERS OF LIQUIDATOR.

7 a. The liquidator may do any of the following:

8 (1) Appoint a special deputy to act for the  
9 liquidator under this chapter, and determine the  
10 special deputy's reasonable compensation. The special  
11 deputy shall have all the powers of the liquidator  
12 granted by this section. The special deputy shall  
13 serve at the pleasure of the liquidator.

14 (2) Hire employees and agents, legal counsel,  
15 accountants, appraisers, consultants, and other  
16 personnel as the commissioner may deem necessary to  
17 assist in the liquidation.

18 (3) With the approval of the court, fix reasonable  
19 compensation of employees and agents, legal counsel,  
20 accountants, appraisers, and consultants.

21 (4) Pay reasonable compensation to persons  
22 appointed and defray from the funds or assets of the  
23 establishment all expenses of taking possession of,  
24 conserving, conducting, liquidating, disposing of, or  
25 otherwise dealing with the business and property of  
26 the establishment. If the property of the  
27 establishment does not contain sufficient cash or  
28 liquid assets to defray the costs incurred, the  
29 commissioner may advance the costs so incurred out of  
30 the insurance division regulatory fund. Amounts so  
31 advanced for expenses of administration shall be  
32 repaid to the insurance division regulatory fund for  
33 the use of the division out of the first available  
34 moneys of the establishment.

35 (5) Hold hearings, subpoena witnesses, and compel  
36 their attendance, administer oaths, examine a person  
37 under oath, and compel a person to subscribe to the  
38 person's testimony after it has been correctly reduced  
39 to writing, and in connection to the proceedings  
40 require the production of books, accounts, papers,  
41 correspondence, memoranda, purchase agreements, files,  
42 or other documents or records which the liquidator  
43 deems relevant to the inquiry.

44 (6) Collect debts and moneys due and claims  
45 belonging to the establishment, wherever located.  
46 Pursuant to this subparagraph, the liquidator may do  
47 any of the following:

48 (a) Institute timely action in other jurisdictions  
49 to forestall garnishment and attachment proceedings  
50 against debts.

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1 (b) Perform acts as are necessary or expedient to  
2 collect, conserve, or protect its assets or property,  
3 including the power to sell, compound, compromise, or  
4 assign debts for purposes of collection upon terms and

5 conditions as the liquidator deems best.  
6 (c) Pursue any creditor's remedies available to  
7 enforce claims.  
8 (7) Conduct public and private sales of the  
9 property of the establishment.  
10 (8) Use assets of the establishment under a  
11 liquidation order to transfer obligations of purchase  
12 agreements to a solvent establishment, if the transfer  
13 can be accomplished without prejudice to the  
14 applicable priorities under subsection 18.  
15 (9) Acquire, hypothecate, encumber, lease,  
16 improve, sell, transfer, abandon, or otherwise dispose  
17 of or deal with property of the establishment at its  
18 market value or upon terms and conditions as are fair  
19 and reasonable. The liquidator shall also have power  
20 to execute, acknowledge, and deliver deeds,  
21 assignments, releases, and other instruments necessary  
22 to effectuate a sale of property or other transaction  
23 in connection with the liquidation.  
24 (10) Borrow money on the security of the  
25 establishment's assets or without security and execute  
26 and deliver documents necessary to that transaction  
27 for the purpose of facilitating the liquidation.  
28 Money borrowed pursuant to this subparagraph shall be  
29 repaid as an administrative expense and shall have  
30 priority over any other class 1 claims under the  
31 priority of distribution established in subsection 18.  
32 (11) Enter into contracts as necessary to carry  
33 out the order to liquidate and affirm or disavow  
34 contracts to which the establishment is a party.  
35 (12) Continue to prosecute and to institute in the  
36 name of the establishment or in the liquidator's own  
37 name any and all suits and other legal proceedings, in  
38 this state or elsewhere, and to abandon the  
39 prosecution of claims the liquidator deems  
40 unprofitable to pursue further.  
41 (13) Prosecute an action on behalf of the  
42 creditors, purchasers, or owners against an officer of  
43 the establishment or any other person.  
44 (14) Remove records and property of the  
45 establishment to the offices of the commissioner or to  
46 other places as may be convenient for the purposes of  
47 efficient and orderly execution of the liquidation.  
48 (15) Deposit in one or more banks in this state  
49 sums as are required for meeting current  
50 administration expenses and distributions.

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1 (16) Unless the court orders otherwise, invest  
2 funds not currently needed.  
3 (17) File necessary documents for recording in the

4 office of the recorder of deeds or record office in  
5 this state or elsewhere where property of the  
6 establishment is located.

7 (18) Assert defenses available to the  
8 establishment against third persons including statutes  
9 of limitations, statutes of fraud, and the defense of  
10 usury. A waiver of a defense by the establishment  
11 after a petition in liquidation has been filed shall  
12 not bind the liquidator.

13 (19) Exercise and enforce the rights, remedies,  
14 and powers of a creditor, purchaser, or owner,  
15 including the power to avoid transfer or lien that may  
16 be given by the general law and that is not included  
17 within subsections 7 through 9.

18 (20) Intervene in a proceeding wherever instituted  
19 that might lead to the appointment of a receiver or  
20 trustee, and act as the receiver or trustee whenever  
21 the appointment is offered.

22 (21) Exercise powers now held or later conferred  
23 upon receivers by the laws of this state which are not  
24 inconsistent with this chapter.

25 b. This subsection does not limit the liquidator  
26 or exclude the liquidator from exercising a power not  
27 listed in paragraph "a" that may be necessary or  
28 appropriate to accomplish the purposes of this  
29 chapter.

30 4. NOTICE TO CREDITORS AND OTHERS.

31 a. Unless the court otherwise directs, the  
32 liquidator shall give notice of the liquidation order  
33 as soon as possible by doing both of the following:

34 (1) Mailing notice, by first-class mail, to all  
35 persons known or reasonably expected to have claims  
36 against the establishment, including purchasers, at  
37 their last known address as indicated by the records  
38 of the establishment.

39 (2) Publication of notice in a newspaper of  
40 general circulation in the county in which the  
41 establishment has its principal place of business and  
42 in other locations as the liquidator deems  
43 appropriate.

44 b. Notice to potential claimants under paragraph  
45 "a" shall require claimants to file with the  
46 liquidator their claims together with proper proofs of  
47 the claim under subsection 13 on or before a date the  
48 liquidator shall specify in the notice. Claimants  
49 shall keep the liquidator informed of their changes of  
50 address, if any.

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1 c. If notice is given pursuant to this subsection,  
2 the distribution of assets of the establishment under

3 this chapter shall be conclusive with respect to  
4 claimants, whether or not a claimant actually received  
5 notice.

6 5. ACTIONS BY AND AGAINST LIQUIDATOR.

7 a. After issuance of an order appointing a  
8 liquidator of an establishment, an action at law or  
9 equity shall not be brought against the establishment  
10 within this state or elsewhere, and existing actions  
11 shall not be maintained or further presented after  
12 issuance of the order. Whenever in the liquidator's  
13 judgment, protection of the estate of the  
14 establishment necessitates intervention in an action  
15 against the establishment that is pending outside this  
16 state, the liquidator may intervene in the action.  
17 The liquidator may defend, at the expense of the  
18 estate of the establishment, an action in which the  
19 liquidator intervenes under this section.

20 b. Within two years or such additional time as  
21 applicable law may permit, the liquidator, after the  
22 issuance of an order for liquidation, may institute an  
23 action or proceeding on behalf of the estate of the  
24 establishment upon any cause of action against which  
25 the period of limitation fixed by applicable law has  
26 not expired at the time of the filing of the petition  
27 upon which the order is entered. If a period of  
28 limitation is fixed by agreement for instituting a  
29 suit or proceeding upon a claim, or for filing a  
30 claim, proof of claim, proof of loss, demand, notice,  
31 or the like, or if in a proceeding, judicial or  
32 otherwise, a period of limitation is fixed in the  
33 proceeding or pursuant to applicable law for taking an  
34 action, filing a claim or pleading, or doing an act,  
35 and if the period has not expired at the date of the  
36 filing of the petition, the liquidator may, for the  
37 benefit of the estate, take any action or do any act,  
38 required of or permitted to the establishment, within  
39 a period of one hundred eighty days subsequent to the  
40 entry of an order for liquidation, or within a further  
41 period as is shown to the satisfaction of the court  
42 not to be unfairly prejudicial to the other party.

43 c. A statute of limitations or defense of laches  
44 shall not run with respect to an action against an  
45 establishment between the filing of a petition for  
46 liquidation against the establishment and the denial  
47 of the petition. An action against the establishment  
48 that might have been commenced when the petition was  
49 filed may be commenced for at least sixty days after  
50 the petition is denied.

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1 6. COLLECTION AND LIST OF ASSETS.

2 a. As soon as practicable after the liquidation  
3 order but not later than one hundred twenty days after  
4 such order, the liquidator shall prepare in duplicate  
5 a list of the establishment's assets. The list shall  
6 be amended or supplemented as the liquidator may  
7 determine. One copy shall be filed in the office of  
8 the clerk of court, and one copy shall be retained for  
9 the liquidator's files. Amendments and supplements  
10 shall be similarly filed.

11 b. The liquidator shall reduce the assets to a  
12 degree of liquidity that is consistent with the  
13 effective execution of the liquidation.

14 c. A submission of a proposal to the court for  
15 distribution of assets in accordance with subsection  
16 11 fulfills the requirements of paragraph "a".

17 7. FRAUDULENT TRANSFERS PRIOR TO PETITION.

18 a. A transfer made and an obligation incurred by  
19 an establishment within one year prior to the filing  
20 of a successful petition for liquidation under this  
21 chapter is fraudulent as to then existing and future  
22 creditors if made or incurred without fair  
23 consideration, or with actual intent to hinder, delay,  
24 or defraud either existing or future creditors. A  
25 fraudulent transfer made or an obligation incurred by  
26 an establishment ordered to be liquidated under this  
27 chapter may be avoided by the liquidator, except as to  
28 a person who in good faith is a purchaser, lienor, or  
29 obligee for a present fair equivalent value. A  
30 purchaser, lienor, or obligee, who in good faith has  
31 given a consideration less than present fair  
32 equivalent value for such transfer, lien, or  
33 obligation, may retain the property, lien, or  
34 obligation as security for repayment. The court may,  
35 on due notice, order any such transfer, lien, or  
36 obligation to be preserved for the benefit of the  
37 estate, and in that event, the receiver shall succeed  
38 to and may enforce the rights of the purchaser,  
39 lienor, or obligee.

40 b. (1) A transfer of property other than real  
41 property is made when it becomes perfected so that a  
42 subsequent lien obtainable by legal or equitable  
43 proceedings on a simple contract could not become  
44 superior to the rights of the transferee under  
45 subsection 9, paragraph "c".

46 (2) A transfer of real property is made when it  
47 becomes perfected so that a subsequent bona fide  
48 purchaser from the establishment could not obtain  
49 rights superior to the rights of the transferee.

50 (3) A transfer which creates an equitable lien is

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1 not perfected if there are available means by which a  
2 legal lien could be perfected.

3 (4) A transfer not perfected prior to the filing  
4 of a petition for liquidation is deemed to be made  
5 immediately before the filing of the successful  
6 petition.

7 (5) This subsection applies whether or not there  
8 are or were creditors who might have obtained a lien  
9 or persons who might have become bona fide purchasers.

10 8. FRAUDULENT TRANSFER AFTER PETITION.

11 a. After a petition for liquidation has been  
12 filed, a transfer of real property of the  
13 establishment made to a person acting in good faith is  
14 valid against the liquidator if made for a present  
15 fair equivalent value. If the transfer is not made  
16 for a present fair equivalent value, then the transfer  
17 is valid to the extent of the present consideration  
18 actually paid for which amount the transferee shall  
19 have a lien on the property transferred. The  
20 commencement of a proceeding in liquidation is  
21 constructive notice upon the recording of a copy of  
22 the petition for or order of liquidation with the  
23 recording or deeds in the county where any real  
24 property in question is located. The exercise by a  
25 court of the United States or a state or jurisdiction  
26 to authorize a judicial sale of real property of the  
27 establishment within a county in a state shall not be  
28 impaired by the pendency of a proceeding unless the  
29 copy is recorded in the county prior to the  
30 consummation of the judicial sale.

31 b. After a petition for liquidation has been filed  
32 and before either the liquidator takes possession of  
33 the property of the establishment or an order of  
34 liquidation is granted:

35 (1) A transfer of the property, other than real  
36 property, of the establishment made to a person acting  
37 in good faith is valid against the liquidator if made  
38 for a present fair equivalent value. If the transfer  
39 was not made for a present fair equivalent value, then  
40 the transfer is valid to the extent of the present  
41 consideration actually paid for which amount the  
42 transferee shall have a lien on the property  
43 transferred.

44 (2) If acting in good faith, a person indebted to  
45 the establishment or holding property of the  
46 establishment may pay the debt or deliver the  
47 property, or any part of the property, to the  
48 establishment or upon the establishment's order as if  
49 the petition were not pending.

50 (3) A person having actual knowledge of the

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1 pending liquidation is not acting in good faith.

2 (4) A person asserting the validity of a transfer  
3 under this subsection has the burden of proof. Except  
4 as provided in this subsection, a transfer by or on  
5 behalf of the establishment after the date of the  
6 petition for liquidation by any person other than the  
7 liquidator is not valid against the liquidator.

8 c. A person receiving any property from the  
9 establishment or any benefit of the property of the  
10 establishment which is a fraudulent transfer under  
11 paragraph "a" is personally liable for the property or  
12 benefit and shall account to the liquidator.

13 d. This chapter does not impair the negotiability  
14 of currency or negotiable instruments.

#### 15 9. VOIDABLE PREFERENCES AND LIENS.

16 a. (1) A preference is a transfer of the property  
17 of an establishment to or for the benefit of a  
18 creditor for an antecedent debt made or suffered by  
19 the establishment within one year before the filing of  
20 a successful petition for liquidation under this  
21 chapter, the effect of which transfer may be to enable  
22 the creditor to obtain a greater percentage of this  
23 debt than another creditor of the same class would  
24 receive. If a liquidation order is entered while the  
25 establishment is already subject to a receivership,  
26 then the transfers are preferences if made or suffered  
27 within one year before the filing of the successful  
28 petition for the receivership, or within two years  
29 before the filing of the successful petition for  
30 liquidation, whichever time is shorter.

31 (2) A preference may be avoided by the liquidator  
32 if any of the following exist:

33 (a) The establishment was insolvent at the time of  
34 the transfer.

35 (b) The transfer was made within four months  
36 before the filing of the petition.

37 (c) At the time the transfer was made, the  
38 creditor receiving it or to be benefited by the  
39 transfer or the creditor's agent acting with reference  
40 to the transfer had reasonable cause to believe that  
41 the establishment was insolvent or was about to become  
42 insolvent.

43 (d) The creditor receiving the transfer was an  
44 officer, or an employee, attorney, or other person who  
45 was in fact in a position of comparable influence in  
46 the establishment to an officer whether or not the  
47 person held the position of an officer, owner, or  
48 other person, firm, corporation, association, or  
49 aggregation of persons with whom the establishment did  
50 not deal at arm's length.

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1 (3) Where the preference is voidable, the  
2 liquidator may recover the property. If the property  
3 has been converted, the liquidator may recover its  
4 value from a person who has received or converted the  
5 property. However, if a bona fide purchaser or lienor  
6 has given less than the present fair equivalent value,  
7 the purchaser or lienor shall have a lien upon the  
8 property to the extent of the consideration actually  
9 given. Where a preference by way of lien or security  
10 interest is voidable, the court may on due notice  
11 order the lien or security interest to be preserved  
12 for the benefit of the estate, in which event the lien  
13 or title shall pass to the liquidator.

14 b. (1) A transfer of property other than real  
15 property is made when it becomes perfected so that a  
16 subsequent lien obtainable by legal or equitable  
17 proceedings on a simple contract could not become  
18 superior to the rights of the transferee.

19 (2) A transfer of real property is made when it  
20 becomes perfected so that a subsequent bona fide  
21 purchaser from the establishment could not obtain  
22 rights superior to the rights of the transferee.

23 (3) A transfer which creates an equitable lien is  
24 not perfected if there are available means by which a  
25 legal lien could be created.

26 (4) A transfer not perfected prior to the filing  
27 of a petition for liquidation is deemed to be made  
28 immediately before the filing of the successful  
29 petition.

30 (5) This subsection applies whether or not there  
31 are or were creditors who might have obtained liens or  
32 persons who might have become bona fide purchasers.

33 c. (1) A lien obtainable by legal or equitable  
34 proceedings upon a simple contract is one arising in  
35 the ordinary course of the proceedings upon the entry  
36 or docketing of a judgment or decree, or upon  
37 attachment, garnishment, execution, or like process,  
38 whether before, upon, or after judgment or decree and  
39 whether before or upon levy. It does not include  
40 liens which under applicable law are given a special  
41 priority over other liens which are prior in time.

42 (2) A lien obtainable by legal or equitable  
43 proceedings may become superior to the rights of a  
44 transferee, or a purchaser may obtain rights superior  
45 to the rights of a transferee within the meaning of  
46 paragraph "b", if such consequences follow only from  
47 the lien or purchase itself, or from the lien or  
48 purchase followed by a step wholly within the control  
49 of the respective lienholder or purchaser, with or  
50 without the aid of ministerial action by public

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1 officials. However, a lien could not become superior  
2 and a purchase could not create superior rights for  
3 the purpose of paragraph "b" through an act subsequent  
4 to the obtaining of a lien or subsequent to a purchase  
5 which requires the agreement or concurrence of any  
6 third party or which requires further judicial action  
7 or ruling.

8 d. A transfer of property for or on account of a  
9 new and contemporaneous consideration, which is under  
10 paragraph "b" made or suffered after the transfer  
11 because of delay in perfecting it, does not become a  
12 transfer for or on account of an antecedent debt if  
13 any acts required by the applicable law to be  
14 performed in order to perfect the transfer as against  
15 liens or a bona fide purchaser's rights are performed  
16 within twenty-one days or any period expressly allowed  
17 by the law, whichever is less. A transfer to secure a  
18 future loan, if a loan is actually made, or a transfer  
19 which becomes security for a future loan, shall have  
20 the same effect as a transfer for or on account of a  
21 new and contemporaneous consideration.

22 e. If a lien which is voidable under paragraph  
23 "a", subparagraph (2), has been dissolved by the  
24 furnishing of a bond or other obligation, the surety  
25 of which has been indemnified directly or indirectly  
26 by the transfer or the creation of a lien upon  
27 property of an establishment before the filing of a  
28 petition under this chapter which results in the  
29 liquidation order, the indemnifying transfer or lien  
30 is also voidable.

31 f. The property affected by a lien voidable under  
32 paragraphs "a" and "e" is discharged from the lien.  
33 The property and any of the indemnifying property  
34 transferred to or for the benefit of a surety shall  
35 pass to the liquidator. However, the court may on due  
36 notice order a lien to be preserved for the benefit of  
37 the estate and the court may direct that the  
38 conveyance be executed to evidence the title of the  
39 liquidator.

40 g. The court shall have summary jurisdiction of a  
41 proceeding by a liquidator to hear and determine the  
42 rights of the parties under this section. Reasonable  
43 notice of hearing in the proceeding shall be given to  
44 all parties in interest, including the obligee of a  
45 releasing bond or other like obligation. Where an  
46 order is entered for the recovery of indemnifying  
47 property in kind or for the avoidance of an  
48 indemnifying lien, upon application of any party in  
49 interest, the court shall in the same proceeding  
50 ascertain the value of the property or lien. If the

1 value is less than the amount for which the property  
2 is indemnified or less than the amount of the lien,  
3 the transferee or lienholder may elect to retain the  
4 property or lien upon payment of its value, as  
5 ascertained by the court, to the liquidator within the  
6 time as fixed by the court.

7 h. The liability of a surety under a releasing  
8 bond or other like obligation is discharged to the  
9 extent of the value of the indemnifying property  
10 recovered or the indemnifying lien nullified and  
11 avoided by the liquidator. Where the property is  
12 retained under paragraph "g", the liability of the  
13 surety is discharged to the extent of the amount paid  
14 to the liquidator.

15 i. If a creditor has been preferred for property  
16 which becomes a part of the establishment's estate,  
17 and afterward in good faith gives the establishment  
18 further credit without security of any kind, the  
19 amount of the new credit remaining unpaid at the time  
20 of the petition may be set off against the preference  
21 which would otherwise be recoverable from the  
22 creditor.

23 j. If within four months before the filing of a  
24 successful petition for liquidation under this  
25 chapter, or at any time in contemplation of a  
26 proceeding to liquidate, an establishment, directly or  
27 indirectly, pays money or transfers property to an  
28 attorney for services rendered or to be rendered, the  
29 transaction may be examined by the court on its own  
30 motion or shall be examined by the court on petition  
31 of the liquidator. The payment or transfer shall be  
32 held valid only to the extent of a reasonable amount  
33 to be determined by the court. The excess may be  
34 recovered by the liquidator for the benefit of the  
35 estate. However, where the attorney is in a position  
36 of influence in the establishment or an affiliate,  
37 payment of any money or the transfer of any property  
38 to the attorney for services rendered or to be  
39 rendered shall be governed by the provisions of  
40 paragraph "a", subparagraph (2), subparagraph  
41 subdivision (d).

42 k. (1) An officer, manager, employee,  
43 shareholder, subscriber, attorney, or other person  
44 acting on behalf of the establishment who knowingly  
45 participates in giving any preference when the person  
46 has reasonable cause to believe the establishment is  
47 or is about to become insolvent at the time of the  
48 preference is personally liable to the liquidator for  
49 the amount of the preference. There is an inference  
50 that reasonable cause exists if the transfer was made

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1 within four months before the date of filing of this  
2 successful petition for liquidation.

3 (2) A person receiving property from the  
4 establishment or the benefit of the property of the  
5 establishment as a preference voidable under paragraph  
6 "a" is personally liable for the property and shall  
7 account to the liquidator.

8 (3) This subsection shall not prejudice any other  
9 claim by the liquidator against any person.

10 10. CLAIMS OF HOLDER OF VOID OR VOIDABLE RIGHTS.

11 a. A claim of a creditor who has received or  
12 acquired a preference, lien, conveyance, transfer,  
13 assignment, or encumbrance, voidable under this  
14 chapter, shall not be allowed unless the creditor  
15 surrenders the preference, lien, conveyance, transfer,  
16 assignment, or encumbrance. If the avoidance is  
17 effected by a proceeding in which a final judgment has  
18 been entered, the claim shall not be allowed unless  
19 the money is paid or the property is delivered to the  
20 liquidator within thirty days from the date of the  
21 entering of the final judgment. However, the court  
22 having jurisdiction over the liquidation may allow  
23 further time if there is an appeal or other  
24 continuation of the proceeding.

25 b. A claim allowable under paragraph "a" by reason  
26 of a voluntary or involuntary avoidance, preference,  
27 lien, conveyance, transfer, assignment, or encumbrance  
28 may be filed as an excused late filing under  
29 subsection 12, if filed within thirty days from the  
30 date of the avoidance or within the further time  
31 allowed by the court under paragraph "a".

32 11. LIQUIDATOR'S PROPOSAL TO DISTRIBUTE ASSETS.

33 a. From time to time as assets become available,  
34 the liquidator shall make application to the court for  
35 approval of a proposal to disburse assets out of  
36 marshaled assets.

37 b. The proposal shall at least include provisions  
38 for all of the following:

39 (1) Reserving amounts for the payment of all the  
40 following:

41 (a) Expenses of administration.

42 (b) To the extent of the value of the security  
43 held, the payment of claims of secured creditors.

44 (c) Claims falling within the priorities  
45 established in subsection 18, paragraphs "a" and "b".

46 (2) Disbursement of the assets marshaled to date  
47 and subsequent disbursement of assets as they become  
48 available.

49 c. Action on the application may be taken by the  
50 court provided that the liquidator's proposal complies

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1 with paragraph "b".

2 12. FILING OF CLAIMS.

3 a. Proof of all claims shall be filed with the  
4 liquidator in the form required by subsection 13 on or  
5 before the last day for filing specified in the notice  
6 required under subsection 4.

7 b. The liquidator may permit a claimant making a  
8 late filing to share in distributions, whether past or  
9 future, as if the claimant were not late, to the  
10 extent that the payment will not prejudice the orderly  
11 administration of the liquidation under any of the  
12 following circumstances:

13 (1) The existence of the claim was not known to  
14 the claimant and the claimant filed the claim as  
15 promptly as reasonably possible after learning of it.

16 (2) A transfer to a creditor was avoided under  
17 subsections 7 through 9, or was voluntarily  
18 surrendered under subsection 10, and the filing  
19 satisfies the conditions of subsection 10.

20 (3) The valuation under subsection 17 of security  
21 held by a secured creditor shows a deficiency, which  
22 is filed within thirty days after the valuation.

23 c. The liquidator may consider any claim filed  
24 late and permit the claimant to receive distributions  
25 which are subsequently declared on any claims of the  
26 same or lower priority if the payment does not  
27 prejudice the orderly administration of the  
28 liquidation. The late-filing claimant shall receive  
29 at each distribution the same percentage of the amount  
30 allowed on the claim as is then being paid to  
31 claimants of any lower priority. This shall continue  
32 until the claim has been paid in full.

33 13. PROOF OF CLAIM.

34 a. Proof of claim shall consist of a statement  
35 signed by the claimant that includes all of the  
36 following that are applicable:

37 (1) The particulars of the claim, including the  
38 consideration given for it.

39 (2) The identity and amount of the security on the  
40 claim.

41 (3) The payments, if any, made on the debt.

42 (4) A statement that the sum claimed is justly  
43 owing and that there is no setoff, counterclaim, or  
44 defense to the claim.

45 (5) Any right of priority of payment or other  
46 specific right asserted by the claimant.

47 (6) A copy of the written instrument which is the  
48 foundation of the claim.

49 (7) The name and address of the claimant and the  
50 attorney who represents the claimant, if any.

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1 b. A claim need not be considered or allowed if it  
2 does not contain all the information identified in  
3 paragraph "a" which is applicable. The liquidator may  
4 require that a prescribed form be used and may require  
5 that other information and documents be included.

6 c. At any time the liquidator may request the  
7 claimant to present information or evidence  
8 supplementary to that required under paragraph "a",  
9 and may take testimony under oath, require production  
10 of affidavits or depositions, or otherwise obtain  
11 additional information or evidence.

12 d. A judgment or order against an establishment  
13 entered after the date of filing of a successful  
14 petition for liquidation, or a judgment or order  
15 against the establishment entered at any time by  
16 default or by collusion need not be considered as  
17 evidence of liability or of the amount of damages. A  
18 judgment or order against an establishment before the  
19 filing of the petition need not be considered as  
20 evidence of liability or of the amount of damages.

#### 21 14. SPECIAL CLAIMS.

22 a. A claim may be allowed even if contingent, if  
23 it is filed pursuant to subsection 12. The claim may  
24 be allowed and the claimant may participate in all  
25 distributions declared after it is filed to the extent  
26 that it does not prejudice the orderly administration  
27 of the liquidation.

28 b. Claims that are due except for the passage of  
29 time shall be treated as absolute claims are treated.  
30 However, the claims may be discounted at the legal  
31 rate of interest.

32 c. Claims made under employment contracts by  
33 directors, principal officers, or persons in fact  
34 performing similar functions or having similar powers  
35 are limited to payment for services rendered prior to  
36 the issuance of an order of liquidation under  
37 subsection 2.

#### 38 15. DISPUTED CLAIMS.

39 a. If a claim is denied in whole or in part by the  
40 liquidator, written notice of the determination shall  
41 be given to the claimant or the claimant's attorney by  
42 first-class mail at the address shown in the proof of  
43 claim. Within sixty days from the mailing of the  
44 notice, the claimant may file objections with the  
45 liquidator. Unless a filing is made, the claimant  
46 shall not further object to the determination.

47 b. If objections are filed with the liquidator and  
48 the liquidator does not alter the denial of the claim  
49 as a result of the objections, the liquidator shall  
50 ask the court for a hearing as soon as practicable and

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1 give notice of the hearing by first-class mail to the  
2 claimant or the claimant's attorney and to any other  
3 persons directly affected. The notice shall be given  
4 not less than ten nor more than thirty days before the  
5 date of hearing. The matter shall be heard by the  
6 court or by a court-appointed referee. The referee  
7 shall submit findings of fact along with a  
8 recommendation.

9 16. CLAIMS OF OTHER PERSON. If a creditor, whose  
10 claim against an establishment is secured in whole or  
11 in part by the undertaking of another person, fails to  
12 prove and file that claim, then the other person may  
13 do so in the creditor's name and shall be subrogated  
14 to the rights of the creditor, whether the claim has  
15 been filed by the creditor or by the other person in  
16 the creditor's name to the extent that the other  
17 person discharges the undertaking. However, in the  
18 absence of an agreement with the creditor to the  
19 contrary, the other person is not entitled to any  
20 distribution until the amount paid to the creditor on  
21 the undertaking plus the distributions paid on the  
22 claim from the establishment's estate to the creditor  
23 equal the amount of the entire claim of the creditor.  
24 An excess received by the creditor shall be held by  
25 the creditor in trust for the other person.

26 17. SECURED CREDITOR'S CLAIMS.

27 a. The value of the security held by a secured  
28 creditor shall be determined in one of the following  
29 ways, as the court may direct:

30 (1) By converting the security into money  
31 according to the terms of the agreement pursuant to  
32 which the security was delivered to the creditors.

33 (2) By agreement, arbitration, compromise, or  
34 litigation between the creditor and the liquidator.

35 b. The determination shall be under the  
36 supervision and control of the court with due regard  
37 for the recommendation of the liquidator. The amount  
38 so determined shall be credited upon the secured  
39 claim. A deficiency shall be treated as an unsecured  
40 claim. If the claimant surrenders the security to the  
41 liquidator, the entire claim shall be allowed as if  
42 unsecured.

43 18. PRIORITY OF DISTRIBUTION. The priority of  
44 distribution of claims from the establishment's estate  
45 shall be in accordance with the order in which each  
46 class of claims is set forth. Claims in each class  
47 shall be paid in full or adequate funds retained for  
48 the payment before the members of the next class  
49 receive any payment. Subclasses shall not be  
50 established within a class. The order of distribution

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1 of claims is as follows:

2 a. CLASS 1. The costs and expenses of  
3 administration, including but not limited to the  
4 following:

5 (1) Actual and necessary costs of preserving or  
6 recovering the assets of the establishment.

7 (2) Compensation for all authorized services  
8 rendered in the liquidation.

9 (3) Necessary filing fees.

10 (4) Fees and mileage payable to witnesses.

11 (5) Authorized reasonable attorney fees and other  
12 professional services rendered in the liquidation.

13 b. CLASS 2. Reasonable compensation to employees  
14 for services performed to the extent that they do not  
15 exceed two months of monetary compensation and  
16 represent payment for services performed within one  
17 year before the filing of the petition for  
18 liquidation. Officers and directors are not entitled  
19 to the benefit of this priority. The priority is in  
20 lieu of other similar priority which may be authorized  
21 by law as to wages or compensation of employees.

22 c. CLASS 3. Claims under purchase agreements.

23 d. CLASS 4. Claims of general creditors.

24 e. CLASS 5. Claims of the federal or of any state  
25 or local government. Claims, including those of a  
26 governmental body for a penalty or forfeiture, are  
27 allowed in this class only to the extent of the  
28 pecuniary loss sustained from the act, transaction, or  
29 proceeding out of which the penalty or forfeiture  
30 arose, with reasonable and actual costs incurred. The  
31 remainder of such claims shall be postponed to the  
32 class of claims under paragraph "g".

33 f. CLASS 6. Claims filed late or any other claims  
34 other than claims under paragraph "g".

35 g. CLASS 7. The claims of shareholders or other  
36 owners.

37 19. LIQUIDATOR'S RECOMMENDATIONS TO THE COURT.

38 a. The liquidator shall review claims duly filed  
39 in the liquidation and shall make further  
40 investigation as necessary. The liquidator may  
41 compound, compromise, or in any other manner negotiate  
42 the amount for which claims will be recommended to the  
43 court except where the liquidator is required by law  
44 to accept claims as settled by a person or  
45 organization. Unresolved disputes shall be determined  
46 under subsection 15. As soon as practicable, the  
47 liquidator shall present to the court a report of the  
48 claims against the establishment with the liquidator's  
49 recommendations. The report shall include the name  
50 and address of each claimant and the amount of the

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1 claim finally recommended.

2 b. The court may approve, disapprove, or modify  
3 the report on claims by the liquidator. Reports not  
4 modified by the court within sixty days following  
5 submission by the liquidator shall be treated by the  
6 liquidator as allowed claims, subject to later  
7 modification or to rulings made by the court pursuant  
8 to subsection 15. A claim under a policy of insurance  
9 shall not be allowed for an amount in excess of the  
10 applicable policy limits.

11 20. DISTRIBUTION OF ASSETS. Under the direction  
12 of the court, the liquidator shall pay distributions  
13 in a manner that will ensure the proper recognition of  
14 priorities and a reasonable balance between the  
15 expeditious completion of the liquidation and the  
16 protection of unliquidated and undetermined claims,  
17 including third-party claims. Distribution of assets  
18 in kind may be made at valuations set by agreement  
19 between the liquidator and the creditor and approved  
20 by the court.

21 21. UNCLAIMED AND WITHHELD FUNDS.

22 a. Unclaimed funds subject to distribution  
23 remaining in the liquidator's hands when the  
24 liquidator is ready to apply to the court for  
25 discharge, including the amount distributable to a  
26 creditor, owner, or other person who is unknown or  
27 cannot be found, shall be deposited with the treasurer  
28 of the state, and shall be paid without interest,  
29 except as provided in subsection 18, to the person  
30 entitled or to the person's legal representative upon  
31 proof satisfactory to the treasurer of state of the  
32 right to the funds. Any amount on deposit not claimed  
33 within six years from the discharge of the liquidator  
34 is deemed to have been abandoned and shall become the  
35 property of the state without formal escheat  
36 proceedings and be transferred to the insurance  
37 division regulatory fund.

38 b. Funds withheld under subsection 14 and not  
39 distributed shall upon discharge of the liquidator be  
40 deposited with the treasurer of state and paid  
41 pursuant to subsection 18. Sums remaining which under  
42 subsection 18 would revert to the undistributed assets  
43 of the establishment shall be transferred to the  
44 insurance division regulatory fund and become the  
45 property of the state as provided under paragraph "a",  
46 unless the commissioner in the commissioner's  
47 discretion petitions the court to reopen the  
48 liquidation pursuant to subsection 23.

49 c. Notwithstanding any other provision of this  
50 chapter, funds as identified in paragraph "a", with

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1 the approval of the court, shall be made available to  
2 the commissioner for use in the detection and  
3 prevention of future insolvencies. The commissioner  
4 shall hold these funds in the insurance division  
5 regulatory fund and shall pay without interest, except  
6 as provided in subsection 18, to the person entitled  
7 to the funds or to the person's legal representative  
8 upon proof satisfactory to the commissioner of the  
9 person's right to the funds. The funds shall be held  
10 by the commissioner for a period of two years at which  
11 time the rights and duties to the unclaimed funds  
12 shall vest in the commissioner.

13 22. TERMINATION OF PROCEEDINGS.

14 a. When all assets justifying the expense of  
15 collection and distribution have been collected and  
16 distributed under this chapter, the liquidator shall  
17 apply to the court for discharge. The court may grant  
18 the discharge and make any other orders, including an  
19 order to transfer remaining funds that are  
20 uneconomical to distribute, as appropriate.

21 b. Any other person may apply to the court at any  
22 time for an order under paragraph "a". If the  
23 application is denied, the applicant shall pay the  
24 costs and expenses of the liquidator in resisting the  
25 application, including a reasonable attorney fee.  
26 23. REOPENING LIQUIDATION. At any time after the  
27 liquidation proceeding has been terminated and the  
28 liquidator discharged, the commissioner or other  
29 interested party may petition the court to reopen the  
30 proceedings for good cause including the discovery of  
31 additional assets. The court shall order the  
32 proceeding reopened if it is satisfied that there is  
33 justification for the reopening.

34 24. DISPOSITION OF RECORDS DURING AND AFTER  
35 TERMINATION OF LIQUIDATION. If it appears to the  
36 commissioner that the records of an establishment in  
37 the process of liquidation or completely liquidated  
38 are no longer useful, the commissioner may recommend  
39 to the court and the court shall direct what records  
40 shall be retained for future reference and what  
41 records shall be destroyed.

42 25. EXTERNAL AUDIT OF LIQUIDATOR'S BOOKS. The  
43 court may order audits to be made of the books of the  
44 commissioner relating to a liquidation established  
45 under this chapter, and a report of each audit shall  
46 be filed with the commissioner and with the court.  
47 The books, records, and other documents of the  
48 liquidation shall be made available to the auditor at  
49 any time without notice. The expense of an audit  
50 shall be considered a cost of administration of the

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1 liquidation.  
2 Sec. \_\_\_\_ Section 537A.10, subsection 1, paragraph  
3 c, subparagraph (3), Code 2001, is amended to read as  
4 follows:

5 (3) "Franchise" also does not include any contract  
6 under which a petroleum retailer or petroleum  
7 distributor is authorized or permitted to occupy  
8 leased marketing premises, which premises are to be  
9 employed in connection with the sale, consignment, or  
10 distribution of motor fuel under a trademark which is  
11 owned or controlled by a refiner which is regulated by  
12 the federal Petroleum Marketing Practices Act, 15  
13 U.S.C. } 2801 et seq. The term "refiner" means any  
14 person engaged in the refining of crude oil to produce  
15 motor fuel, and includes any affiliate of such person.  
16 "Franchise" also does not include a contract entered  
17 into by any person regulated under chapter 123, 322,  
18 322A, 322B, 322C, 322D, 322F, ~~522~~ 522B, or 543B, or a  
19 contract establishing a franchise relationship with  
20 respect to the sale of construction equipment, lawn or  
21 garden equipment, or real estate.

22 Sec. \_\_\_\_ 2001 Iowa Acts, Senate File 500, section  
23 39, is amended to read as follows:

24 SEC. 39. EFFECTIVE DATE. Sections 4, 5, 7 through  
25 11, 13 through 22, 34, and 38 of this Act take effect  
26 January 1, 2002.

27 Sec. \_\_\_\_ Chapters 523A and 523E, Code 2001, are  
28 repealed."

29 \_\_\_\_ Title page, line 1, by inserting after the  
30 word "Act" the following: "concerning regulated  
31 industries under the jurisdiction of the commissioner  
32 of insurance relating to various issues relating to  
33 insurance,".

34 3. Title page, line 7, by inserting after the  
35 word "requirements" the following: ", and relating to  
36 cemetery and funeral merchandise and funeral services,  
37 establishing permit and purchase agreement  
38 requirements, establishing and appropriating fees, and  
39 providing administration, enforcement, and liquidation  
40 procedures, and penalties".

41 4. By renumbering as necessary.

### S-3435

1 Amend House File 707, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 12, the  
4 following:

5 "Sec. \_\_\_\_ Section 422.45, Code 2001, amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 60. The gross receipts from the  
 8 sale, lease, or rental of computers, racks, shelves,  
 9 conveyors, machinery, and equipment, including  
 10 replacement parts, and materials used to construct or  
 11 self-construct computers, racks, shelves, conveyors,  
 12 machinery, and equipment if such items are directly  
 13 used by an interstate distributor.

14 For purposes of this subsection, "interstate  
 15 distributor" means a business that owns and operates a  
 16 distribution center whose size is fifty thousand  
 17 square feet or greater, whose new construction was  
 18 completed on or after July 1, 2001, is located on  
 19 property zoned for industrial purposes, and employs  
 20 ten or more new employees at that site, and over  
 21 fifty percent of the total value of products shipped  
 22 annually from that site are to a destination outside  
 23 the borders of Iowa. This exemption does not apply to  
 24 an interstate distributor which closes or  
 25 substantially reduces its operations in one area of  
 26 this state and relocates substantially the same  
 27 operation in another area of the state."

28 2. Title page, line 3, by inserting after the  
 29 word "purposes" the following: "and exempting the  
 30 sale, lease, or rental of certain property to an  
 31 interstate distributor from sales and use taxes".

JOHN REDWINE

### S-3436

#### HOUSE AMENDMENT TO SENATE FILE 336

1 Amend Senate File 336, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by striking the words "second  
 4 or subsequent".

5 2. Page 1, line 23, by inserting after the figure  
 6 "279.13," the following: "In addressing the failure  
 7 of a practitioner to fulfill contractual obligations,  
 8 the board shall consider factors beyond the  
 9 practitioner's control."

### S-3437

1 Amend the amendment, S-3318, to House File 643, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

- 4 1. By striking page 1, line 35 through page 2,  
5 line 8.

WALLY E. HORN

**S-3438**

HOUSE AMENDMENT TO  
SENATE FILE 470

- 1 Amend Senate File 470, as passed by the Senate, as  
2 follows:  
3 1. Page 3, by inserting after line 26, the  
4 following:  
5 "Sec. \_\_\_\_ NEW SECTION. 163.53 PRIVATE CAUSES OF  
6 ACTION.  
7 This chapter does not prevent a person from  
8 commencing a civil cause of action based on any right  
9 that the person may assert under statute or common  
10 law."  
11 2. By renumbering as necessary.

**S-3439**

- 1 Amend Senate File 530 as follows:  
2 1. Page 13, line 30, by striking the figure  
3 "4,033,736" and inserting the following: "4,213,736".

STEVEN D. HANSEN

**S-3440**

- 1 Amend Senate File 516 as follows:  
2 1. Page 1, by striking lines 10 through 12 and  
3 inserting the following:  
4 "Sec. \_\_\_\_ EFFECTIVE AND RETROACTIVE APPLICABILITY  
5 PROVISION. This Act takes effect only if the revenue  
6 estimating conference estimates that, as a result of  
7 the enactment of federal income tax legislation prior  
8 to January 1, 2002, Iowa income tax receipts for the  
9 fiscal year beginning July 1, 2001, will be increased  
10 by \$7.9 million or more over the amount of Iowa income  
11 tax receipts which would have been realized in the  
12 absence of the enactment of such federal income tax  
13 legislation. If this Act takes effect, this Act  
14 applies retroactively to January 1, 2001, for tax  
15 years beginning on or after that date."  
16 2. Title page, line 4, by striking the word "a"  
17 and inserting the following: "an effective and".

LARRY McKIBBEN

**S-3441**

1 Amend Senate File 514 as follows:

2 1. Page 10, by inserting after line 4, the

3 following:

4 "\_\_\_." "County affected by tax increment financing"

5 means a county where both of the following apply:

6 (1) The board of supervisors certified a general  
7 fund levy for the fiscal year beginning July 1, 2001,  
8 on or before March 15, 2001, that was less than three  
9 dollars and fifty cents per thousand dollars of  
10 taxable valuation times the taxable valuation for the  
11 general fund for that fiscal year.

12 (2) A city or community college established a tax  
13 increment financing district on property against which  
14 the county levied general fund property taxes in the  
15 fiscal year beginning July 1, 2000."

16 2. Page 10, by inserting after line 30, the  
17 following:

18 "(\_\_\_) A municipality dividing tax revenues in an  
19 urban renewal area as provided in section 403.19 which  
20 is located in a county affected by tax increment  
21 financing, to the extent of the amount of incremental  
22 valuation on property newly constructed on or after  
23 July 1, 2001. The amount computed under this  
24 subparagraph shall not exceed the dollar equivalent of  
25 three hundred fifty hundred thousandths multiplied by  
26 the taxable valuation for the general fund for the  
27 budget year, minus the greater of the current year's  
28 tentative maximum property tax dollars for general  
29 county services or the general fund property tax  
30 dollars certified for the fiscal year beginning July  
31 1, 2001."

32 3. Page 21, by inserting after line 27, the  
33 following:

34 "Sec. 100. Section 425A.2, subsection 4, paragraph  
35 d, Code 2001, is amended to read as follows:

36 d. If the owner is an authorized farm corporation,  
37 a shareholder who owns at least ~~fifty-one~~ fifty  
38 percent of the stock of the authorized farm  
39 corporation or the shareholder's spouse.

40 Sec. 101. Section 425A.2, subsection 4, paragraph  
41 e, Code 2001, is amended to read as follows:

42 e. If the owner is an individual who leases the  
43 tract to a family farm corporation, a shareholder of  
44 the corporation if the combined stock of the family  
45 farm corporation owned by the owner of the tract and  
46 persons related to the owner as enumerated in  
47 paragraph "a" is equal to at least ~~fifty-one~~ fifty  
48 percent of the stock of the family farm corporation.

49 Sec. 102. Section 425A.2, subsection 4, paragraph  
50 f, Code 2001, is amended to read as follows:

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1 f. If the owner is an individual who leases the  
 2 tract to a partnership, a partner if the combined  
 3 partnership interest owned by a designated person as  
 4 defined in paragraph "a" is equal to at least ~~fifty-~~  
 5 ~~one~~ fifty percent of the ownership interest of the  
 6 partnership.  
 7 Sec. 200. Section 427.1, subsection 19, Code 2001,  
 8 is amended by adding the following new unnumbered  
 9 paragraph after unnumbered paragraph 8:  
 10 NEW UNNUMBERED PARAGRAPH. Pollution-control  
 11 property used for purposes relating to the care and  
 12 feeding of livestock as defined in section 169C.1  
 13 shall be limited to the first two hundred thousand  
 14 dollars in assessed value per taxpayer, unless an  
 15 owner of the pollution-control property is any of the  
 16 following:  
 17 a. The owner of agricultural land which is  
 18 eligible for the family farm property tax credit as  
 19 provided in chapter 425A.  
 20 b. Actively engaged in farming as defined in  
 21 section 10.1.  
 22 c. A networking farmers entity as defined in  
 23 section 10.1 or a member of a networking farmers  
 24 entity."  
 25 4. Page 21, by striking line 29, and inserting  
 26 the following:  
 27 "Sec. \_\_\_\_ . APPLICABILITY DATES. Sections 100  
 28 through 102 of this Act apply to credits applied for  
 29 on or after July 1, 2001. Section 200 of this Act  
 30 applies to exemptions first applied for on or after  
 31 July 1, 2001. The remainder of this Act applies to  
 32 the".  
 33 5. By renumbering, redesignating, and correcting  
 34 internal references as necessary.

COMMITTEE ON WAY AND MEANS  
 LARRY McKIBBEN, Chair

**S-3442**

1 Amend Senate File 521 as follows:  
 2 1. Page 5, by striking lines 6 through 9 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ . EFFECTIVE AND RETROACTIVE APPLICABILITY  
 5 PROVISION. This Act takes effect only if the revenue  
 6 estimating conference estimates that, as a result of  
 7 the enactment of federal income tax legislation prior  
 8 to January 1, 2002, Iowa income tax receipts for the  
 9 fiscal year beginning July 1, 2001, will be increased  
 10 by \$7.9 million or more over the amount of Iowa income

11 tax receipts which would have been realized in the  
12 absence of the enactment of such federal income tax  
13 legislation. If this Act takes effect, this Act  
14 applies retroactively to January 1, 2001, for tax  
15 years beginning on or after that date."

LARRY McKIBBEN

**S-3443**

HOUSE AMENDMENT TO  
SENATE FILE 466

1 Amend Senate File 466, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 11, by striking the word "made,"  
4 and inserting the following: "made".

5 2. Page 1, by striking lines 15 through 21 and  
6 inserting the following:

7 "b. If a person with a controlling interest in a  
8 child care home or facility or an employee of a child  
9 care home or facility assigned financial management  
10 responsibilities for the child care home or facility  
11 has been found in a criminal proceeding to have  
12 obtained by fraudulent means, public funding for the  
13 provision of child care by the home or facility in an  
14 amount equal to or in excess of the minimum amount  
15 necessary to constitute a fraudulent practice in the  
16 second degree under section 714.10, subsection 1, the  
17 following shall apply:

18 (1) For a first offense, for a period of one year,  
19 any child care home or facility in which the offender  
20 continues to have a controlling interest or at which  
21 the offender remains employed as a financial manager  
22 shall be ineligible to receive public funding for the  
23 provision of child care.

24 (2) For a second offense committed by the same  
25 offender or by an employee assigned financial  
26 management responsibilities employed at the same child  
27 care home or facility at which a first offense  
28 occurred, for a period of five years, the child care  
29 home or facility at which the second offense occurred  
30 shall be ineligible to receive public funding for the  
31 provision of child care.

32 (3) For a third offense committed by the same  
33 offender or by an employee assigned financial  
34 management responsibilities employed at the same child  
35 care home or facility at which a first and second  
36 offense occurred, the child care home or facility at  
37 which the third offense occurred shall be ineligible  
38 to receive public funding for provision of child care.  
39 The department shall adopt rules to administer this

40 subsection and the rules shall provide for a  
41 transition period before applying the requirements of  
42 this subsection in order to allow the ownership or  
43 employment prohibitions to be addressed without  
44 interrupting the provision of child care and for  
45 requiring, as a condition of providing public funding,  
46 that a child care home or facility at which an offense  
47 described in this paragraph "b" occurred must submit  
48 periodic financial audits to the department."  
49 3. Page 1, by inserting after line 31, the  
50 following:

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1 "d. If the director determines that the  
2 ineligibility of a child care home or facility to  
3 receive public funding pursuant to paragraph "b" will  
4 cause the provision of child care services by that  
5 home or facility to be interrupted or to become no  
6 longer available, the director may file a verified  
7 application in the district court of the county in  
8 which the child care home or facility is located,  
9 requesting that an individual nominated by the  
10 director be appointed as receiver for the child care  
11 home or facility until continuation of the child care  
12 services is assured.

13 (1) The court shall expeditiously hold a hearing  
14 on the application, at which the director shall  
15 present evidence in support of the application. The  
16 owner of the child care home or facility against which  
17 the application is filed may also present evidence,  
18 and both parties may subpoena witnesses. The court  
19 may appoint a receiver for the child care home or  
20 facility in advance of the hearing if the director's  
21 verified application states that an emergency exists  
22 in which closure of the child care home or facility is  
23 imminent. If the owner against whose facility the  
24 receivership application is filed informs the court at  
25 or before the time set for the hearing that the owner  
26 does not object to the application, the court shall  
27 waive the hearing and at once appoint a receiver for  
28 the child care home or facility.

29 (2) The court, on the basis of the verified  
30 application and evidence presented at the hearing, may  
31 order the child care home or facility placed under  
32 receivership, and if so ordered, the court shall  
33 direct either that the receiver assume the duties of  
34 administrator of the child care home or facility or  
35 that the receiver supervise the child care home's or  
36 facility's administrator in conducting the day-to-day  
37 business of the child care home or facility. The  
38 receiver shall be empowered to control the child care

39 home's or facility's financial resources and to apply  
40 its revenues as the receiver deems necessary to  
41 continue the operation of the child care home or  
42 facility in compliance with this chapter and the rules  
43 adopted under this chapter, but shall be accountable  
44 to the court for management of the child care home's  
45 or facility's financial resources.

46 (3) A receivership established under this  
47 paragraph "d" may be terminated by the district court  
48 which established it, after a hearing upon an  
49 application for termination.

50 (4) Payment of the expenses of a receivership

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1 established under this paragraph "d" is the  
2 responsibility of the child care home or facility for  
3 which the receiver is appointed, unless the court  
4 directs otherwise. The expenses include, but are not  
5 limited to:

6 (a) Salary of the receiver.

7 (b) Expenses incurred for the continued child care  
8 services.

9 (c) Expenses incurred for the maintenance of  
10 buildings and grounds of the child care home or  
11 facility.

12 (d) Expenses incurred in the ordinary course of  
13 business, such as employee salaries and accounts  
14 payable.

15 (5) The receiver is not personally liable for the  
16 expenses of the child care home or facility during the  
17 receivership. The receiver is an employee of the  
18 state as defined in section 669.2, subsection 4, only  
19 for the purpose of defending a claim filed against the  
20 receiver. Chapter 669 applies to all suits filed  
21 against the receiver.

22 (6) This lettered paragraph "d" does not do any of  
23 the following:

24 (a) Preclude the sale or lease of a child care  
25 home or facility while the child care home or facility  
26 is in receivership, provided these actions are not  
27 taken without approval of the receiver.

28 (b) Affect the civil or criminal liability of the  
29 owner of the child care home or facility placed in  
30 receivership, for any acts or omissions of the owner  
31 which occurred before the receiver was appointed.

32 Sec. \_\_\_\_. SUBSEQUENT OFFENSES. For the purposes  
33 of administering section 237A.29, subsection 2, as  
34 enacted by this Act, if a person with a controlling  
35 interest in a child care home or facility or an  
36 employee of a child care home or facility assigned  
37 financial management responsibilities for the child

38 care home or facility was found in a criminal  
 39 proceeding to have obtained by fraudulent means during  
 40 the two-year period preceding July 1, 2001, public  
 41 funding for the child care home or facility in an  
 42 amount equal to or in excess of the minimum amount  
 43 necessary to constitute fraudulent practice in the  
 44 second degree under section 714.10, subsection 1, the  
 45 department of human services shall consider the first  
 46 subsequent offense for obtaining by fraudulent means  
 47 public funding for child care in such an amount and  
 48 committed by such person or by such an employee of  
 49 such home or facility on or after July 1, 2001, as  
 50 found in a criminal proceeding, to be a second offense

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- 1 and a second or greater subsequent offense to be a
- 2 third offense under section 237A.29, subsection 2."
- 3 4. Title page, by striking lines 1 and 2, and
- 4 inserting the following: "An Act relating to the
- 5 eligibility of certain child care providers connected
- 6 with the commitment of a fraudulent act involving
- 7 public child care funding to receive further public
- 8 funding."
- 9 5. By renumbering as necessary.

## S-3444

### HOUSE AMENDMENT TO SENATE FILE 209

- 1 Amend Senate File 209, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 11, the
- 4 following:
- 5 "\_\_\_." "Infected" means infected with
- 6 paratuberculosis as provided in section 165A.3."
- 7 2. Page 1, line 28, by striking the figure
- 8 "165A.4." and inserting the following: "165A.5."
- 9 3. Page 1, by inserting after line 29, the
- 10 following:
- 11 "Sec. \_\_\_. NEW SECTION. 165A.3 DETERMINATION OF
- 12 INFECTION.
- 13 The department shall adopt rules providing methods
- 14 and procedures to determine whether cattle are
- 15 infected, which may include detection and analysis of
- 16 paratuberculosis using techniques approved by the
- 17 United States department of agriculture."
- 18 4. Page 1, line 30, by striking the figure
- 19 "165A.3" and inserting the following: "165A.4".
- 20 5. Page 1, line 32, by striking the letter ""J""
- 21 and inserting the following: ""C"".

- 22 6. Page 1, line 33, by inserting after the word  
23 "department." the following: "A person shall not sell  
24 infected cattle other than directly to a slaughtering  
25 establishment or to a concentration point for sale  
26 directly to a slaughtering establishment, for  
27 immediate slaughter. Cattle marked with a letter "C"  
28 that are kept at a concentration point must be kept  
29 separate and apart."  
30 7. Page 1, line 34, by striking the figure  
31 "165A.4" and inserting the following: "165A.5".  
32 8. Page 2, by inserting after line 10, the  
33 following:  
34 "\_\_\_\_. This section does not prevent a person from  
35 commencing a civil cause of action based on any right  
36 that the person may assert under statute or common  
37 law."  
38 9. Page 2, by inserting after line 13, the  
39 following:  
40 "\_\_\_\_. "Dairy cattle" means cattle belonging to a  
41 breed that is used to produce milk for human  
42 consumption, including but not limited to holstein and  
43 jersey breeds."  
44 10. Page 2, line 18, by striking the words "sale  
45 barn or".  
46 11. Page 2, line 27, by striking the word  
47 "LIVESTOCK" and inserting the following: "DAIRY  
48 CATTLE".  
49 12. Page 2, line 28, by striking the words  
50 "livestock upon" and inserting the following: "dairy

Page 2

- 1 cattle upon express written".  
2 13. Page 2, line 29, by striking the word  
3 "livestock" and inserting the following: "dairy  
4 cattle".  
5 14. Page 2, line 30, by striking the word  
6 "livestock" and inserting the following: "dairy  
7 cattle".  
8 15. Page 2, by striking lines 31 and 32, and  
9 inserting the following: "directly to slaughter until  
10 sold to a packer. A person shall not knowingly sell  
11 the dairy cattle to a purchaser other than to a packer  
12 at the livestock market. A person other than a packer  
13 shall not knowingly purchase the dairy cattle at the  
14 livestock market."  
15 16. Page 3, by striking lines 3 and 4, and  
16 inserting the following:  
17 "1. The department with assistance by the attorney  
18 general shall have the same authority to enforce this  
19 chapter as it does under chapter 165A. A person who  
20 violates section 172E.2 is subject to the same

21 penalties as provided in section 165A.5.  
 22 2. This section does not prevent a person from  
 23 commencing a civil cause of action based on any right  
 24 that the person may assert under statute or common  
 25 law."  
 26 17. Page 3, line 7, by striking the word  
 27 "determining" and inserting the following: "advising  
 28 the department regarding the administration of chapter  
 29 165A as enacted in this Act, including the adoption of  
 30 rules providing methods and procedures to determine  
 31 whether cattle are infected. The task force shall  
 32 study".  
 33 18. Page 3, by striking lines 13 through 23, and  
 34 inserting the following:  
 35 "2. The task force shall be composed of all of the  
 36 following:  
 37 a. Persons who represent the department of  
 38 agriculture and land stewardship. One person shall be  
 39 the state veterinarian who shall serve as the  
 40 chairperson of the committee. The secretary of  
 41 agriculture may appoint up to two more persons if  
 42 necessary who shall be knowledgeable regarding the  
 43 control of diseases affecting cattle.  
 44 b. Persons representing the college of veterinary  
 45 medicine at Iowa state university who shall be the  
 46 dean of the college or the dean's designee, the head  
 47 of serology for the veterinary diagnostic laboratory,  
 48 the head of the department of veterinary diagnostic  
 49 and production animal medicine, and the chair of the  
 50 department of veterinary microbiology and preventive

Page 3

1 medicine.  
 2 c. A person who is a member or officer of the Iowa  
 3 veterinary medical association who is appointed by the  
 4 association.  
 5 d. Persons actively engaged in the cattle or dairy  
 6 industry, including a person actively engaged in  
 7 producing milk who is appointed by the Iowa dairy  
 8 products association, a person who is actively engaged  
 9 in producing dairy products who is appointed by the  
 10 Iowa dairy products association, a person who is  
 11 actively engaged in producing beef cattle who is  
 12 appointed by the Iowa cattlemen's association, and a  
 13 person actively engaged in marketing cattle who is  
 14 appointed by the livestock marketing association."  
 15 19. By renumbering as necessary.

**S-3445**

1 Amend Senate File 530 as follows:  
2 1. Page 29, by inserting after line 4 the  
3 following:  
4 "Sec. \_\_\_\_ LEGISLATIVE STUDY -- INVOLUNTARY  
5 HOSPITALIZATION AND INVOLUNTARY COMMITMENT  
6 PROCEEDINGS. The legislative council is requested to  
7 establish a study committee during the 2001 interim on  
8 issues relating to involuntary hospitalization  
9 including, but not limited to, both inpatient and  
10 outpatient commitment proceedings and advanced  
11 directives. The study committee shall consist of  
12 legislator members of both political parties from both  
13 houses of the general assembly, representatives of the  
14 judicial branch and the department of corrections,  
15 counties, law enforcement personnel, including police  
16 officers and sheriffs, mental health consumers, mental  
17 health advocacy groups, including, but not limited to,  
18 representatives from the alliance for the mentally ill  
19 and mental health advocates, representatives from the  
20 Iowa department of public health, and representatives  
21 from the psychiatric and psychological services  
22 community."

JACK HOLVECK  
O. GENE MADDOX

**S-3446**

1 Amend House File 564, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 31, the  
4 following:  
5 "Sec. \_\_\_\_ Section 499.30, subsection 5, Code  
6 2001, is amended to read as follows:  
7 5. Notwithstanding an association's articles of  
8 incorporation, for each taxable year of the  
9 association, the association shall allocate all  
10 remaining net earnings to the account of each member,  
11 including subscribers described in section 499.16,  
12 ratably in proportion to the business the member did  
13 with the association during that year. The directors  
14 shall determine, or the articles of incorporation or  
15 bylaws of the association may specify, the percentage  
16 or the amount of the allocation to be currently paid  
17 in cash. However, for notwithstanding a cooperative  
18 association's articles of incorporation or bylaws if a  
19 cooperative association provides for the reversion of  
20 disbursements pursuant to section 499.30A, the  
21 cooperative association shall pay all dividends in

22 cash to the account of each member, upon a declaration  
 23 of a dividend by the board of directors. For a  
 24 cooperative association other than a public utility as  
 25 defined in section 476.1, the amount to be currently  
 26 payable in cash shall not exceed twenty percent of the  
 27 allocation during any period when unpaid local  
 28 deferred patronage dividends of deceased members for  
 29 prior years are outstanding. Notwithstanding the  
 30 twenty percent allocation limitation, the directors of  
 31 a cooperative association or the articles of  
 32 incorporation or bylaws of the association may specify  
 33 any percentage or amount to be currently paid in cash  
 34 to the estates of deceased natural persons who were  
 35 members. All the remaining allocation not paid in  
 36 cash shall be transferred to a revolving fund as  
 37 provided in section 499.33 and credited to the members  
 38 and subscribers. The credits in the revolving fund  
 39 are referred to in this chapter as deferred patronage  
 40 dividends."

41 2. By renumbering as necessary.

THOMAS FIEGEN

**S-3447**

1 Amend Senate File 535 as follows:

2 1. Page 16, by inserting after line 30 the  
 3 following:

4 "    . Agricultural health and safety programs  
 5 For agricultural health and safety programs:

6 .....\$ 267,385"

7 2. By renumbering as necessary.

JOE BOLKCOM

**S-3448**

1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 16 the  
 4 following:

5 "    . This section does not apply to a licensed  
 6 veterinarian practicing veterinary medicine as  
 7 provided in chapter 169."

8 2. By renumbering as necessary.

SANDRA GREINER

**S-3449**

1 Amend Senate File 535 as follows:

2 1. Page 11, by inserting after line 11 the  
3 following:

4 "    . AMERICORPS AFTER-SCHOOL INITIATIVE

5 For purposes of the americorps after-school  
6 initiative:

7 .....\$ 208,621"

8 2. By renumbering as necessary.

MIKE CONNOLLY  
JOE BOLKCOM  
PATRICK J. DELUHERY  
TOM FLYNN  
JACK HOLVECK  
BETTY A. SOUKUP  
MATT McCOY  
PATRICIA HARPER  
ROBERT E. DVORSKY

**S-3450**

1 Amend Senate File 535 as follows:

2 1. Page 24, by striking lines 4 and 5, and  
3 inserting the following: "~~eight forty-seven~~ million  
4 ~~eight seven hundred thirty forty-eight~~ thousand  
5 ~~seventy-five~~ one hundred thirty-one dollars for  
6 tuition".

TOM FLYNN  
STEVEN D. HANSEN  
BILL FINK  
JACK HOLVECK  
THOMAS FIEGEN  
MATT McCOY  
DENNIS H. BLACK  
PATRICK J. DELUHERY  
MIKE CONNOLLY  
ROBERT E. DVORSKY  
JOHN P. KIBBIE

**S-3451**

1 Amend Senate File 535 as follows:

2 1. Page 16, by inserting after line 30 the  
3 following:

4 "    . Agricultural health and safety programs

5 For agricultural health and safety programs and for  
6 not more than the following full-time equivalent  
7 positions:

8 .....\$ 267,385

9 ..... FTEs 3.48"  
10 2. By renumbering as necessary.

JOE BOLKCOM  
PATRICK J. DELUHERY  
TOM FLYNN  
MATT McCOY  
JACK HOLVECK  
THOMAS FIEGEN  
BETTY A. SOUKUP  
DENNIS H. BLACK  
PATRICIA HARPER  
JOHNNIE HAMMOND  
ROBERT E. DVORSKY

**S-3452**

1 Amend Senate File 535 as follows:  
2 1. Page 11, by inserting after line 11 the  
3 following:  
4 "\_\_\_ JOBS FOR AMERICA'S GRADUATES  
5 For school districts to provide direct services to  
6 the most at-risk senior high school students enrolled  
7 in school districts through direct intervention for a  
8 "jobs for America's graduates" specialist:  
9 ..... \$ 314,348"  
10 2. By renumbering as necessary.

MIKE CONNOLLY  
JOE BOLKCOM  
PATRICK J. DELUHERY  
TOM FLYNN  
JACK HOLVECK  
THOMAS FIEGEN  
BETTY A. SOUKUP  
MATT McCOY  
DENNIS H. BLACK  
PATRICIA HARPER  
JOHNNIE HAMMOND  
ROBERT E. DVORSKY  
JOHN P. KIBBIE

**S-3453**

1 Amend Senate File 535 as follows:  
2 1. Page 23, by striking lines 23 through 34.  
3 2. By renumbering as necessary.

STEVEN D. HANSEN  
ROBERT E. DVORSKY  
JOHN P. KIBBIE

**S-3454**

1 Amend Senate File 535 as follows:

2 1. Page 9, by striking line 10, and inserting the  
3 following:

4 "....." \$ 15,600,000"

5 2. By striking page 9, line 29 through page 10,  
6 line 3.

7 3. By renumbering as necessary.

JOHNIE HAMMOND  
PATRICIA HARPER  
MATT McCOY  
MIKE CONNOLLY  
JOE BOLKCOM  
PATRICK J. DELUHERY  
JACK HOLVECK  
BETTY A. SOUKUP

**S-3455**

1 Amend Senate File 535 as follows:

2 1. Page 11, by striking lines 18 through 35, and  
3 inserting the following:

4 "....." \$ 150,077,403

5 The funds appropriated in this subsection shall be  
6 allocated as follows:

7 a. Merged Area I .....	\$	7,202,305
8 b. Merged Area II .....	\$	8,460,077
9 c. Merged Area III .....	\$	7,859,218
10 d. Merged Area IV .....	\$	3,841,420
11 e. Merged Area V .....	\$	8,036,723
12 f. Merged Area VI .....	\$	7,445,871
13 g. Merged Area VII .....	\$	10,743,403
14 h. Merged Area IX .....	\$	13,213,608
15 i. Merged Area X .....	\$	20,737,098
16 j. Merged Area XI .....	\$	22,009,520
17 k. Merged Area XII .....	\$	8,671,108
18 l. Merged Area XIII .....	\$	8,916,516
19 m. Merged Area XIV .....	\$	3,887,223
20 n. Merged Area XV .....	\$	12,231,726
21 o. Merged Area XVI .....	\$	6,821,587

22 Sec. \_\_\_\_ DISTRIBUTION OF FUNDS APPROPRIATED. For  
23 the fiscal year beginning July 1, 2001, and ending  
24 June 30, 2002, moneys appropriated by the general  
25 assembly from the general fund of the state to the  
26 department of education for community colleges for a  
27 fiscal year shall be allocated to each community  
28 college by the department of education in the  
29 following manner:

30 1. BASE FUNDING. The base funding for a fiscal

31 year shall be equal to the amount each community  
32 college received as an allocation from appropriations  
33 made from the general fund of the state in the most  
34 recent fiscal year.

35 2. DISTRIBUTION FOR INFLATION. First priority  
36 shall be to give each college an increase based upon  
37 inflation. The inflation increase shall be not less  
38 than 2 percent. However, the inflation increase shall  
39 be equal to the national inflation rate, if it exceeds  
40 2 percent, if the amount of state aid appropriated is  
41 equal to or greater than the national inflation rate.

42 3. DISTRIBUTION BASED ON PROPORTIONAL SHARE OF  
43 ENROLLMENT. The balance of the growth in state aid  
44 appropriations, once the inflation increase has been  
45 satisfied, shall be distributed based on each  
46 college's proportional share of enrollment. However,  
47 a minimum of one percent of the total growth shall be  
48 distributed in this manner.

49 4. If the total appropriation made by the general  
50 assembly is less than 2 percent growth, the entire

Page 2

1 increase shall be distributed as inflation."

JOHN P. KIBBIE  
STEVEN D. HANSEN  
ROBERT E. DVORSKY  
DENNIS H. BLACK

**S-3456**

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 590

1 Amend the Senate Amendment, H-1574, to House File  
2 590 as amended, passed and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 22 and 23, and  
5 inserting the following: "an individual."

**S-3457**

1 Amend Senate File 535 as follows:

2 1. Page 12, by striking line 24, and inserting	
3 the following:	
4 "....."	243,333"
5 2. Page 13, by striking line 10, and inserting	
6 the following:	
7 "....."	110,607"

8	3. Page 13, by striking line 14, and inserting	
9	the following:	
10	".....	\$ 80,855"
11	4. Page 13, by striking line 17, and inserting	
12	the following:	
13	".....	\$ 165,323"
14	5. Page 13, by striking line 23, and inserting	
15	the following:	
16	".....	\$ 237,029,085"
17	6. Page 14, by striking line 4, and inserting the	
18	following:	
19	".....	\$ 33,040,152"
20	7. Page 15, by striking line 26, and inserting	
21	the following:	
22	".....	\$ 8,411,522"
23	8. Page 15, by striking line 32, and inserting	
24	the following:	
25	".....	\$ 7,487,966"
26	9. Page 16, by striking line 6, and inserting the	
27	following:	
28	".....	\$ 3,207,848"
29	10. Page 16, by striking line 12, and inserting	
30	the following:	
31	".....	\$ 4,203,122"
32	11. Page 16, by striking line 20, and inserting	
33	the following:	
34	".....	\$ 2,460,405"
35	12. Page 16, by striking line 29, and inserting	
36	the following:	
37	".....	\$ 689,890"
38	13. Page 16, by striking line 34, and inserting	
39	the following:	
40	".....	\$ 217,012"
41	14. Page 17, by striking line 5, and inserting	
42	the following:	
43	".....	\$ 77,286"
44	15. Page 17, by striking line 10, and inserting	
45	the following:	
46	".....	\$ 1,084,871"
47	16. Page 17, by striking line 16, and inserting	
48	the following:	
49	".....	\$ 916,974"
50	17. Page 17, by striking line 25, and inserting	

Page 2

1	the following:	
2	".....	\$ 53,266"
3	18. Page 17, by inserting after line 26, the	
4	following:	
5	"n. Agricultural health and safety programs	
6	For agricultural health and safety programs:	

7	.....	\$	284,452"
8	19. Page 17, by striking line 32, and inserting		
9	the following:		
10	".....	\$	189,432,441"
11	20. Page 18, by striking line 23, and inserting		
12	the following:		
13	".....	\$	37,029,596"
14	21. Page 18, by striking line 30, and inserting		
15	the following:		
16	".....	\$	23,386,276"
17	22. Page 19, by striking line 6, and inserting		
18	the following:		
19	".....	\$	579,843"
20	23. Page 19, by striking line 12, and inserting		
21	the following:		
22	".....	\$	279,773"
23	24. Page 19, by striking line 19, and inserting		
24	the following:		
25	".....	\$	85,222,513"
26	25. Page 19, by striking line 31, and inserting		
27	the following:		
28	".....	\$	251,754"
29	26. Page 20, by striking line 2, and inserting		
30	the following:		
31	".....	\$	7,695,239"
32	27. Page 20, by striking line 8, and inserting		
33	the following:		
34	".....	\$	4,298,696"
35	28. Page 20, by striking line 17, and inserting		
36	the following:		
37	".....	\$	15,941"
38	29. Page 20, by inserting after line 17, the		
39	following:		
40	"Sec. ____.		
41	AUTHORITY TO THE STATE BOARD OF REGENTS.		
42	1. The board of regents is authorized to		
43	redistribute appropriations in section 8, subsection		
44	2, paragraphs "a" through "n", and in any		
45	appropriations or allocations made for the fiscal year		
46	beginning July 1, 2001, and ending June 30, 2002, for		
47	purposes of the state university of Iowa research park		
48	and the advanced drug development program at the		
49	Oakdale research park, in a total amount of		
50	\$18,807,078. The redistributions shall be made		

Page 3

- 1 between the appropriations designated in this
- 2 subsection.
- 3 2. The board of regents is authorized to
- 4 redistribute appropriations in section 8, subsection
- 5 3, paragraphs "a" through "e", and in any

6 appropriations or allocations made for the fiscal year  
 7 beginning July 1, 2001, and ending June 30, 2002, for  
 8 purposes of funding and maintaining the Iowa state  
 9 university of science and technology's current  
 10 locations for the existing small business development  
 11 centers, for the Iowa state university research park,  
 12 for the institute for physical research and  
 13 technology, and for the industrial incentive program  
 14 in a total amount of \$16,109,867. The redistributions  
 15 shall be made between the appropriations designated in  
 16 this subsection.

17 3. The board of regents is authorized to  
 18 redistribute appropriations in section 8, subsection  
 19 4, paragraphs "a" and "b", and in any appropriations  
 20 or allocations made for the fiscal year beginning July  
 21 1, 2001, and ending June 30, 2002, for purposes of the  
 22 metal casting institute and the institute of decision  
 23 making in a total amount of \$5,420,918. The  
 24 redistributions shall be made between the  
 25 appropriations designated in this subsection.

26 Within one day of the effective date of this  
 27 section of this Act, the board office shall provide  
 28 the general assembly, the department of management,  
 29 and the legislative fiscal bureau with a detailed  
 30 report identifying the redistributions made in  
 31 accordance with this section."

32 30. By renumbering as necessary.

ROBERT E. DVORSKY  
 JOHNIE HAMMOND  
 BILL FINK  
 PATRICIA HARPER  
 JOE BOLKCOM  
 JACK HOLVECK  
 PATRICK J. DELUHERY  
 TOM FLYNN  
 THOMAS FIEGEN  
 BETTY A. SOUKUP  
 MATT McCOY  
 DENNIS H. BLACK

### S-3458

1 Amend Senate File 535 as follows:

2 1. Page 2, by striking lines 22 through 26.

3 2. Page 24, by inserting after line 15, the  
 4 following:

5 "Sec. \_\_\_\_ Section 261.85, Code 2001, is amended  
 6 to read as follows:

7 261.85 APPROPRIATION.

8 There is appropriated from the general fund of the  
 9 state to the commission for each fiscal year the sum

10 of two million ~~seven~~ four hundred ~~fifty~~ eighty-six  
 11 thousand ~~three~~ hundred eighty dollars for the work-  
 12 study program.  
 13 From moneys appropriated in this section, one  
 14 million ~~five~~ three hundred ~~fifty-six~~ thousand two  
 15 hundred eight dollars shall be allocated to  
 16 institutions of higher education under the state board  
 17 of regents and community colleges and the remaining  
 18 dollars appropriated in this section shall be  
 19 allocated by the commission on the basis of need as  
 20 determined by the portion of the federal formula for  
 21 distribution of work-study funds that relates to the  
 22 current need of institutions."  
 23 3. By renumbering as necessary.

PATRICIA HARPER  
 MATT McCOY  
 JOHNIE HAMMOND  
 ROBERT E. DVORSKY  
 JOHN P. KIBBIE  
 DENNIS H. BLACK  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 MIKE CONNOLLY  
 BILL FINK

### S-3459

1 Amend Senate File 535 as follows:  
 2 1. Page 23, by inserting after line 34 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 260C.15, subsection 1, Code  
 5 2001, is amended to read as follows:  
 6 1. Regular elections held annually by the merged  
 7 area for the election of members of the board of  
 8 directors as required by section 260C.11, for the  
 9 renewal of the ~~twenty~~ twenty-two and ~~one-fourth~~ three-  
 10 fourths cents per thousand dollars of assessed  
 11 valuation levy authorized in section 260C.22, or for  
 12 any other matter authorized by law and designated for  
 13 election by the board of directors of the merged area,  
 14 shall be held on the date of the school election as  
 15 fixed by section 277.1. The election notice shall be  
 16 made a part of the local school election notice  
 17 published as provided in section 49.53 in each local  
 18 school district where voting is to occur in the merged  
 19 area election and the election shall be conducted by  
 20 the county commissioner of elections pursuant to  
 21 chapters 39 to 53 and section 277.20.  
 22 Sec. \_\_\_\_ Section 260C.22, subsection 1, paragraph  
 23 a, Code 2001, is amended to read as follows:  
 24 a. In addition to the tax authorized under section

25 260C.17, the voters in any merged area may at the  
 26 annual school election vote a tax not exceeding ~~twenty~~  
 27 ~~twenty-two~~ and ~~one-fourth~~ ~~three-fourths~~ cents per  
 28 thousand dollars of assessed value in any one year for  
 29 a period not to exceed ten years for the purchase of  
 30 grounds, construction of buildings, payment of debts  
 31 contracted for the construction of buildings, purchase  
 32 of buildings and equipment for buildings, and the  
 33 acquisition of libraries, for the purpose of paying  
 34 costs of utilities, and for the purpose of  
 35 maintaining, remodeling, improving, or expanding the  
 36 community college of the merged area. If the tax levy  
 37 is approved under this section, the costs of utilities  
 38 shall be paid from the proceeds of the levy. The tax  
 39 shall be collected by the county treasurers and  
 40 remitted to the treasurer of the merged area as  
 41 provided in section 331.552, subsection 29. The  
 42 proceeds of the tax shall be deposited in a separate  
 43 and distinct fund to be known as the voted tax fund,  
 44 to be paid out upon warrants drawn by the president  
 45 and secretary of the board of directors of the merged  
 46 area district for the payment of costs incurred in  
 47 providing the school facilities for which the tax was  
 48 voted.  
 49 Sec. \_\_\_\_ Section 260C.22, subsection 1, Code  
 50 2001, is amended by adding the following new

Page 2

1 paragraph:  
 2 NEW PARAGRAPH. f. If the voters in a merged area  
 3 have authorized a tax pursuant to paragraph "a" not  
 4 exceeding twenty and one-fourth cents per thousand  
 5 dollars of assessed value prior to July 1, 2001, the  
 6 tax shall continue for the period originally  
 7 authorized under the voter-approved tax, and the  
 8 maximum tax that can be authorized by the voters on or  
 9 after July 1, 2001, under this section, for the period  
 10 of the original authorized tax, is an additional  
 11 amount such that the total amount of tax does not  
 12 exceed twenty-two and three-fourths cents for a period  
 13 to coincide with the remaining period for which the  
 14 initial tax in the merged area was approved.  
 15 Sec. \_\_\_\_ Section 260C.28, subsection 1, Code  
 16 2001, is amended to read as follows:  
 17 1. Annually, the board of directors may certify  
 18 for levy a tax on taxable property in the merged area  
 19 at a rate not exceeding ~~three~~ ~~five~~ and ~~one-half~~ cents  
 20 per thousand dollars of assessed valuation for  
 21 equipment replacement for the community college.  
 22 Sec. \_\_\_\_ Section 260C.28, subsection 2, Code  
 23 2001, is amended to read as follows:

24 2. However, the board of directors may annually  
 25 certify for levy a tax on taxable property in the  
 26 merged area at a rate in excess of the three five and  
 27 one-half cents per thousand dollars of assessed  
 28 valuation specified under subsection 1 if the excess  
 29 tax levied does not cause the total rate certified to  
 30 exceed a rate of nine eleven and one-half cents per  
 31 thousand dollars of assessed valuation, and the excess  
 32 revenue generated is used for purposes of program  
 33 sharing between community colleges or for the purchase  
 34 of instructional equipment. Programs that are shared  
 35 shall be designed to increase student access to  
 36 community college programs and to achieve efficiencies  
 37 in program delivery at the community colleges,  
 38 including, but not limited to, the programs described  
 39 under sections 260C.45 and 260C.46. Prior to  
 40 expenditure of the excess revenues generated under  
 41 this subsection, the board of directors shall obtain  
 42 the approval of the director of the department of  
 43 education."  
 44 2. By renumbering as necessary.

JOHN P. KIBBIE  
 ROBERT E. DVORSKY

### S-3460

1 Amend the amendment, S-3441, to Senate File 514, as  
 2 follows:  
 3 1. Page 1, by striking lines 37 through 39, and  
 4 inserting the following: "a shareholder or the  
 5 shareholder's spouse who owns at least fifty-one fifty  
 6 percent of the stock of the authorized farm  
 7 corporation or the shareholder's spouse."

LARRY MCKIBBEN

### S-3461

1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by inserting after line 3, the  
 4 following:  
 5 "\_\_\_\_. "Biotechnological system or technique" means  
 6 a process used to alter the genetic characteristics of  
 7 a plant by modifying the deoxyribonucleic acid of the  
 8 plant's seed in a manner other than by breeding or  
 9 pollination."  
 10 2. Page 4, by striking line 19, and inserting the  
 11 following:  
 12 "1. A person shall not".

- 13 3. Page 4, line 22, by inserting after the words  
 14 "crop operation property" the following: ", without  
 15 the consent of the owner".
- 16 4. Page 4, line 25, by inserting after the word  
 17 "property" the following: ", without the consent of  
 18 the owner".
- 19 5. Page 4, line 26, by inserting after the word  
 20 "property," the following: "without the consent of  
 21 the owner,".
- 22 6. Page 5, by inserting after line 12, the  
 23 following:  
 24 "d. Produce a crop originating from agricultural  
 25 seed that has been genetically modified using a  
 26 biotechnological system or technique by planting the  
 27 seed within five hundred feet from a neighboring crop  
 28 operation property used to produce a crop originating  
 29 from agricultural seed that has not been so  
 30 genetically modified."
- 31 7. Page 6, by inserting after line 30, the  
 32 following:  
 33 "4A. A person who produces a crop originating from  
 34 agricultural seed that has been genetically modified  
 35 in violation of subsection 1, paragraph "d", is guilty  
 36 of a serious misdemeanor."
- 37 8. By renumbering as necessary.

THOMAS FIEGEN

**S-3462**

- 1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 7, by inserting after line 2, the  
 4 following:  
 5 "\_\_\_\_. This section does not apply to a person who  
 6 commits an act while intoxicated or under the  
 7 influence of a drug."  
 8 2. By renumbering as necessary.

THOMAS FIEGEN

**S-3463**

- 1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 7, by inserting after line 2, the  
 4 following:  
 5 "\_\_\_\_. This section does not apply to a person who  
 6 is under the age of twenty-one."  
 7 2. By renumbering as necessary.

THOMAS FIEGEN

**S-3464**

- 1 Amend House File 502, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 3, the  
4 following:  
5 "\_\_\_\_. "Biotechnological system or technique" means  
6 a process used to alter the genetic characteristics of  
7 a plant by modifying the deoxyribonucleic acid of the  
8 plant's seed in a manner other than by breeding or  
9 pollination."
- 10 2. Page 4, by striking line 19, and inserting the  
11 following:  
12 "1. A person shall not".
- 13 3. Page 4, line 22, by inserting after the words  
14 "crop operation property" the following: ", without  
15 the consent of the owner".
- 16 4. Page 4, line 25, by inserting after the word  
17 "property" the following: ", without the consent of  
18 the owner".
- 19 5. Page 4, line 26, by inserting after the word  
20 "property," the following: "without the consent of  
21 the owner,".
- 22 6. Page 5, by inserting after line 12, the  
23 following:  
24 "d. Sell a crop that originates from agricultural  
25 seed as defined in section 199.1 which has been  
26 genetically modified using a biotechnological system  
27 or technique or sell a crop which has been  
28 contaminated with a crop originating from such  
29 genetically modified agricultural seed, unless the  
30 person selling the crop provides a full written  
31 disclosure to the purchaser. The disclosure must  
32 notify the purchaser of the crop's origins or that it  
33 is contaminated, according to rules adopted by the  
34 department of agriculture and land stewardship. The  
35 disclosure statement shall be signed by the purchaser  
36 and kept as part of the seller's business records."
- 37 7. Page 6, by inserting after line 30, the  
38 following:  
39 "4A. A person who sells a crop in violation of  
40 subsection 1, paragraph "d", is guilty of a serious  
41 misdemeanor."
- 42 8. By renumbering as necessary.

THOMAS FIEGEN

**S-3465**

- 1 Amend House File 502, as amended, passed, and  
2 reprinted by the House, as follows:

- 3 1. Page 2, by inserting after line 3, the  
4 following:  
5 "\_\_\_." "Biotechnological system or technique" means  
6 a process used to alter the genetic characteristics of  
7 a plant by modifying the deoxyribonucleic acid of the  
8 plant's seed in a manner other than by breeding or  
9 pollination."
- 10 2. Page 2, by inserting after line 5, the  
11 following:  
12 "\_\_\_." "Contamination" means the unintended  
13 presence of a seed or a plant or plant part that  
14 originates from a seed, if the seed has been  
15 genetically modified by using a biotechnological  
16 system or technique."
- 17 3. Page 4, by inserting before line 6, the  
18 following:  
19 "\_\_\_." "Seed labeler" means a person required to  
20 label agricultural seed as provided in section 199.3  
21 or 199.4.  
22 \_\_\_." "Seed technology provider" means a person who  
23 in preparing for sale agricultural seed required to be  
24 labeled pursuant to section 199.3 or 199.4 modifies  
25 the deoxyribonucleic acid of the agricultural seed by  
26 using a biotechnological technique."
- 27 4. Page 4, by striking line 19, and inserting the  
28 following:  
29 "1. A person shall not".
- 30 5. Page 4, line 22, by inserting after the words  
31 "crop operation property" the following: ", without  
32 the consent of the owner".
- 33 6. Page 4, line 25, by inserting after the word  
34 "property" the following: ", without the consent of  
35 the owner".
- 36 7. Page 4, line 26, by inserting after the word  
37 "property," the following: "without the consent of  
38 the owner,".
- 39 8. Page 5, by inserting after line 12, the  
40 following:  
41 "1A. a. A seed labeler or seed technology  
42 provider shall not sell or offer for sale agricultural  
43 seed as defined in section 199.1 which has been  
44 genetically modified using a biotechnological system  
45 or technique, unless the seed labeler or seed  
46 technology provider complies with this paragraph. The  
47 seed labeler or seed technology provider must file a  
48 security plan with the department of agriculture and  
49 land stewardship as required by rules adopted by the  
50 department. The security plan shall ensure a closed

Page 2

1 system that provides no risk of contamination. The  
 2 closed system shall provide for maintaining the crop  
 3 originating from such genetically modified  
 4 agricultural seed and for disposing of, transporting,  
 5 processing, marketing, and utilizing the crop or goods  
 6 processed from the crop. The security plan shall be  
 7 accompanied by all necessary certifications by persons  
 8 who will maintain the crop or dispose of, transport,  
 9 process, or market the crop or goods processed from  
 10 the crop.

11 b. A person shall not sell a crop originating from  
 12 agricultural seed that has been genetically modified  
 13 using a biotechnological system or technique, unless  
 14 the person complies with a security plan as provided  
 15 in paragraph "a."

16 9. Page 6, by inserting after line 30, the  
 17 following:

18 "4A. A seed labeler or seed technology provider  
 19 who sells agricultural seed that has been genetically  
 20 modified without filing a security plan as required by  
 21 subsection 1A is guilty of a serious misdemeanor. A  
 22 person who sells a crop originating from such  
 23 genetically modified agricultural seed or goods  
 24 processed from the crop in violation of the security  
 25 plan as provided in subsection 1A is guilty of a  
 26 serious misdemeanor."

27 10. By renumbering as necessary.

THOMAS FIEGEN

### S-3466

1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3, the  
 4 following:

5 "\_\_\_\_. "Biotechnological system or technique" means  
 6 a process used to alter the genetic characteristics of  
 7 a plant by modifying the deoxyribonucleic acid of the  
 8 plant's seed in a manner other than by breeding or  
 9 pollination."

10 2. Page 4, by striking line 19, and inserting the  
 11 following:

12 "1. A person shall not".

13 3. Page 4, line 22, by inserting after the words  
 14 "crop operation property" the following: ", without  
 15 the consent of the owner".

16 4. Page 4, line 25, by inserting after the word  
 17 "property" the following: ", without the consent of  
 18 the owner".

- 19 5. Page 4, line 26, by inserting after the word  
20 "property," the following: "without the consent of  
21 the owner,".
- 22 6. Page 5, by inserting after line 12, the  
23 following:  
24 "d. Sell agricultural seed as defined in section  
25 199.1 that has been genetically modified using a  
26 biotechnological system or technique, unless  
27 information regarding the agricultural seed is filed  
28 with an interagency review committee composed of the  
29 secretary of agriculture, the commissioner of public  
30 safety, and the director of public health, as provided  
31 by the committee. The committee shall review issues  
32 relating to planting, harvesting, and marketing the  
33 agricultural seed, crops originating from the  
34 agricultural seed, or goods produced from those crops.  
35 If the committee determines that a risk to the state's  
36 economy or public health exists, the committee shall  
37 issue a public warning regarding the sale and use of  
38 the agricultural seed, crops originating from the  
39 agricultural seed, or goods produced from those  
40 crops."
- 41 7. Page 6, by inserting after line 30, the  
42 following:  
43 "4A. A person who sells agricultural seed that has  
44 been genetically modified using a biotechnological  
45 system or technique in violation of subsection 1,  
46 paragraph "d", is guilty of a serious misdemeanor."  
47 8. By renumbering as necessary.

THOMAS FIEGEN

### S-3467

- 1 Amend House File 502, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 4, by striking line 19, and inserting the  
4 following:  
5 "1. A person shall not".
- 6 2. Page 4, line 22, by inserting after the words  
7 "crop operation property" the following: ", without  
8 the consent of the owner".
- 9 3. Page 4, line 25, by inserting after the word  
10 "property" the following: ", without the consent of  
11 the owner".
- 12 4. Page 4, line 26, by inserting after the word  
13 "property," the following: "without the consent of  
14 the owner,".
- 15 5. Page 5, by inserting after line 12, the  
16 following:  
17 "d. Apply a pesticide as defined in section 206.2  
18 within five hundred feet from an orchard, land used to

19 produce an agricultural product that has been produced  
20 according to standards established pursuant to chapter  
21 190C, an educational institution, a religious  
22 institution, or a residence, unless the titleholder of  
23 the land benefiting from the separation distance signs  
24 a written consent which shall be effective when filed  
25 with the office of the recorder in the county in which  
26 the land is located."

27 6. Page 6, by inserting after line 30, the  
28 following:

29 "4A. A person who applies a pesticide in violation  
30 of subsection 1, paragraph "d", is guilty of a serious  
31 misdemeanor."

32 7. By renumbering as necessary.

THOMAS FIEGEN

### S-3468

1 Amend House File 502, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 4, by striking line 19, and inserting the  
4 following:

5 "1. A person shall not".

6 2. Page 4, line 22, by inserting after the words  
7 "crop operation property" the following: ", without  
8 the consent of the owner".

9 3. Page 4, line 25, by inserting after the word  
10 "property" the following: "without the consent of the  
11 owner".

12 4. Page 4, line 26, by inserting after the word  
13 "property," the following: ", without the consent of  
14 the owner,".

15 5. Page 5, by inserting after line 12, the  
16 following:

17 "d. Apply anhydrous ammonia within five hundred  
18 feet from an orchard, land used to produce an  
19 agricultural product that has been produced according  
20 to standards established pursuant to chapter 190C, an  
21 educational institution, a religious institution, or a  
22 residence, unless the titleholder of the land  
23 benefiting from the separation distance signs a  
24 written consent which shall be effective when filed  
25 with the office of the recorder in the county in which  
26 the land is located."

27 6. Page 6, by inserting after line 30, the  
28 following:

29 "4A. A person who applies anhydrous ammonia in  
30 violation of subsection 1, paragraph "d", is guilty of

31 a serious misdemeanor."  
 32 7. By renumbering as necessary.

THOMAS FIEGEN

**S-3469**

1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 7, by inserting after line 2, the  
 4 following:  
 5 "\_\_\_\_. This section does not apply to a person who  
 6 exercises any rights guaranteed by the first amendment  
 7 to the Constitution of the United States or Article I,  
 8 section 7, of the Constitution of the State of Iowa.  
 9 A person who protests any activity conducted at a crop  
 10 operation shall be deemed to be in compliance with  
 11 state law if the person engages in the activity  
 12 outside the crop operation property and provides  
 13 notice to the owner of the crop operation property  
 14 within the twenty-four hours prior to the day of the  
 15 protest and conducts the protest during regular  
 16 business hours."

THOMAS FIEGEN

**S-3470**

1 Amend Senate File 524 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 123.183, Code 2001, is amended  
 5 to read as follows:  
 6 123.183 WINE GALLONAGE TAX AND RELATED FUNDS.  
 7 1. In addition to the annual permit fee to be paid  
 8 by each class "A" wine permittee, ~~there a wine~~  
 9 gallage tax shall be levied and collected from each  
 10 class "A" wine permittee on all wine manufactured for  
 11 sale and sold in this state at wholesale and on all  
 12 wine imported into this state for sale at wholesale  
 13 and sold in this state at wholesale, ~~a.~~ The rate of  
 14 the wine gallage tax of is one dollar and seventy-  
 15 five cents for ~~every each~~ wine gallon ~~and a like.~~ The  
 16 same rate shall apply for the fractional parts of a  
 17 wine gallon. A The wine gallage tax shall not be  
 18 levied or collected on wine sold by one class "A" wine  
 19 permittee to another class "A" wine permittee.  
 20 2. a. Revenue ~~derived~~ collected from the wine  
 21 gallage tax collected on wine manufactured for sale  
 22 and sold in this state shall be deposited in the wine  
 23 gallage tax fund hereby as created in this section.

24 b. A wine gallonage tax fund is created in the  
 25 office of the treasurer of state. Moneys deposited in  
 26 the gallonage tax the fund are appropriated to the  
 27 department of economic development as provided in  
 28 section 15E.117. Moneys in the fund shall not revert  
 29 to the general fund of the state without a specific  
 30 appropriation by the general assembly are not subject  
 31 to section 8.33.

32 3. All other Of the amount of revenue collected  
 33 from the wine gallonage tax on wine imported into this  
 34 state for sale at wholesale and sold in this state at  
 35 wholesale, the first three cents shall be deposited in  
 36 the grape and wine development fund as created in  
 37 section 159B.5. The remaining revenue derived  
 38 collected from the wine gallonage tax on wine imported  
 39 into this state for sale at wholesale and sold in this  
 40 state at wholesale shall be deposited in the liquor  
 41 control fund established by created in section 123.53  
 42 and shall be transferred by the director of revenue  
 43 and finance to the general fund of the state."

44 2. Page 5, line 11, by inserting after the word  
 45 "fund." the following: "The fund shall include moneys  
 46 deposited into the fund from the wine gallonage tax as  
 47 provided in section 123.183."

48 3. Title page, line 2, by inserting after the  
 49 word "wine" the following: "and providing an  
 50 appropriation".

Page 2

- 1 4. By renumbering as necessary.

JOHN P. KIBBIE  
 BILL FINK  
 BETTY A. SOUKUP  
 MATT McCOY  
 MIKE CONNOLLY  
 TOM FLYNN  
 PATRICK J. DELUHERY  
 PATRICIA HARPER  
 JOHNNIE HAMMOND  
 THOMAS FIEGEN  
 DENNIS H. BLACK  
 WALLY E. HORN  
 ROBERT E. DVORSKY  
 EUGENE S. FRAISE

**S-3471**

- 1 Amend Senate File 535 as follows:
- 2 1. Page 20, line 2, by striking the figure
- 3 "7,687,328" and inserting the following: "7,695,239".

4 2. Page 20, line 8, by striking the figure  
 5 "4,294,276" and inserting the following: "4,298,696".

MICHAEL E. GRONSTAL

**S-3472**

1 Amend Senate File 530 as follows:

2 1. Page 14, by inserting after line 30 the  
 3 following:

4 "\_\_\_\_. In addition to the appropriations made in  
 5 subsection 1 there is appropriated from the general  
 6 fund of the state to the department of corrections for  
 7 the fiscal year beginning July 1, 2001, and ending  
 8 June 30, 2002, the following amounts, or so much  
 9 thereof as is necessary:

10 a. For the first judicial district department of  
 11 correctional services, including treatment and  
 12 supervision of probation and parole violators who have  
 13 been released from the department of corrections  
 14 violator program, the following amount, or so much  
 15 thereof as is necessary:

16 .....	\$	369,000
17 .....	FTEs	8.00

18 b. For the fourth judicial district department of  
 19 correctional services, including treatment and  
 20 supervision of probation and parole violators who have  
 21 been released from the department of corrections  
 22 violator program, the following amount, or so much  
 23 thereof as is necessary:

24 .....	\$	250,000
25 .....	FTEs	5.00

26 c. For the fifth judicial district department of  
 27 correctional services, including treatment and  
 28 supervision of probation and parole violators who have  
 29 been released from the department of corrections  
 30 violator program, the following amount, or so much  
 31 thereof as is necessary:

32 .....	\$	698,000
33 .....	FTEs	10.00

34 d. For the seventh judicial district department of  
 35 correctional services, including treatment and  
 36 supervision of probation and parole violators who have  
 37 been released from the department of corrections  
 38 violator program, the following amount, or so much  
 39 thereof as is necessary:

40 .....	\$	506,000
----------	----	---------

41 ..... FTEs 7.00"  
42 2. By renumbering as necessary.

ROBERT E. DVORSKY  
JOHNIE HAMMOND  
JOE BOLKCOM

**S-3473**

- 1 Amend the amendment, S-3441, to Senate File 514 as
- 2 follows:
- 3 1. Page 2, line 14, by striking the words "per
- 4 taxpayer".

JACK HOLVECK  
LARRY McKIBBEN

**S-3474**

- 1 Amend House File 502, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by inserting after line 2, the
- 4 following:
- 5 "\_\_\_\_. This section does not apply to a person who
- 6 picks, harvests, or otherwise takes a crop on crop
- 7 operation property and consumes the crop on the crop
- 8 operation property."
- 9 2. By renumbering as necessary.

THOMAS FIEGEN

**S-3475**

- 1 Amend House File 349, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 11 and 12, and
- 4 inserting the following: "company, or estate or
- 5 trust".
- 6 2. Page 1, by striking lines 18 and 19, and
- 7 inserting the following: "or estate or trust. For".
- 8 3. Page 2, by striking lines 30 and 31 and
- 9 inserting the following: "limited liability company,
- 10 or".
- 11 4. Page 3, by striking lines 2 and 3 and
- 12 inserting the following: "or estate or trust."
- 13 5. Page 5, by striking lines 16 and 17, and
- 14 inserting the following: "or estate or trust".
- 15 6. Page 5, by striking lines 22 through 24, and
- 16 inserting the following: "corporation, limited
- 17 liability company, or estate or trust."

- 18 7. Page 7, by striking lines 8 through 29.  
19 8. By renumbering as necessary.

JOHN REDWINE

**S-3476**

- 1 Amend Senate File 530 as follows:  
2 1. Page 6, line 6, by striking the figure  
3 "27,622,191" and inserting the following:  
4 "27,742,137".  
5 2. Page 6, line 14, by striking the figure  
6 "23,446,284" and inserting the following:  
7 "23,591,417".  
8 3. Page 6, line 24, by striking the figure  
9 "21,501,082" and inserting the following:  
10 "21,564,956".  
11 4. Page 6, line 30, by striking the figure  
12 "22,944,479" and inserting the following:  
13 "23,023,286".  
14 5. Page 7, line 3, by striking the figure  
15 "21,667,807" and inserting the following:  
16 "21,677,580".  
17 6. Page 7, line 9, by striking the figure  
18 "7,148,555" and inserting the following: "7,178,143".  
19 7. Page 7, line 15, by striking the figure  
20 "17,925,620" and inserting the following:  
21 "17,952,898".  
22 8. Page 7, line 26, by striking the figure  
23 "12,203,736" and inserting the following:  
24 "12,229,337".  
25 9. Page 8, line 3, by striking the figure  
26 "791,438" and inserting the following: "700,438"  
27 10. Page 21, line 7, by striking the figure  
28 "2,449,533" and inserting the following: "2,404,533".  
29 11. Page 23, line 13, by striking the figure  
30 "35,760,633" and inserting the following:  
31 "36,676,633".

JEFF ANGELO

**S-3477**

- 1 Amend Senate File 530 as follows:  
2 1. Page 4, line 16, by striking the figure  
3 "450,000" and inserting the following: "670,000".

JEFF ANGELO  
MARY A. LUNDBY

**S-3478**

- 1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 16, the  
 4 following:  
 5 "\_\_\_. This section does not apply to an animal  
 6 facility convicted of a felony charge in the previous  
 7 five years in any jurisdiction, including by any state  
 8 or federal court or by a court of a foreign nation.  
 9 For purposes of this subsection, a plea or verdict of  
 10 guilty or a plea of nolo contendere or its equivalent  
 11 is deemed to be a conviction."
- 12 2. Page 7, by inserting after line 2, the  
 13 following:  
 14 "\_\_\_. This section does not apply to a crop  
 15 operation convicted of a felony charge in the previous  
 16 five years in any jurisdiction, including by any state  
 17 or federal court or by a court of a foreign nation.  
 18 For purposes of this subsection, a plea or verdict of  
 19 guilty or a plea of nolo contendere or its equivalent  
 20 is deemed to be a conviction."
- 21 3. By renumbering as necessary.

THOMAS FIEGEN

**S-3479**

- 1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 3, the  
 4 following:  
 5 "\_\_\_. "Biotechnological system or technique" means  
 6 a process used to alter the genetic characteristics of  
 7 a plant by modifying the deoxyribonucleic acid of the  
 8 plant's seed in a manner other than by breeding or  
 9 pollination."
- 10 2. Page 4, by striking line 19, and inserting the  
 11 following:  
 12 "1. A person shall not".
- 13 3. Page 4, line 22, by inserting after the words  
 14 "crop operation property" the following: ", without  
 15 the consent of the owner".
- 16 4. Page 4, line 25, by inserting after the word  
 17 "property" the following: ", without the consent of  
 18 the owner".
- 19 5. Page 4, line 26, by inserting after the word  
 20 "property," the following: "without the consent of  
 21 the owner,".
- 22 6. Page 5, by inserting after line 12, the  
 23 following:

24 "d. Blend grain from a crop originating from an  
 25 agricultural seed as defined in section 199.1 that has  
 26 been genetically modified using a biotechnological  
 27 system or technique with grain from a crop originating  
 28 from an agricultural seed that has not been so  
 29 genetically modified, unless the person provides a  
 30 disclosure to a purchaser of the grain. The  
 31 disclosure statement shall notify the purchaser that  
 32 the grain is blended with grain from a crop  
 33 originating from agricultural seed that has been  
 34 genetically modified as provided in this paragraph.  
 35 The same disclosure statement shall be provided by a  
 36 purchaser to each subsequent purchaser. The  
 37 disclosure statement shall be in writing and provide  
 38 the notice as required by rules adopted by the  
 39 department of agriculture and land stewardship."

40 7. Page 6, by inserting after line 30, the  
 41 following:

42 "4A. A person who blends grain that includes grain  
 43 from a crop originating from an agricultural seed that  
 44 has been genetically modified or who sells such  
 45 blended grain in violation of subsection 1, paragraph  
 46 "d", is guilty of a serious misdemeanor."

47 8. By renumbering as necessary.

THOMAS FIEGEN

### S-3480

1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 16 the  
 4 following:

5 "    . This section does not apply to a licensed  
 6 veterinarian practicing veterinary medicine as  
 7 provided in chapter 169 and according to customary  
 8 standards of care."

9 2. By renumbering as necessary.

SANDRA GREINER

### S-3481

1 Amend House File 519, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the  
 4 following:

5 "Section 1. Section 236.10, subsection 3, Code  
 6 2001, is amended to read as follows:

7 3. The Until a domestic abuse case is complete and  
 8 the time for appeal has expired, the entire file or a

9 ~~portion of the file in a domestic-abuse the case shall~~  
 10 ~~be closed to all but the court and its officers.~~  
 11 After that time the entire file or a portion of the  
 12 file shall be sealed by the clerk of court as ordered  
 13 by the court to protect the privacy interest or safety  
 14 of any person. The clerk shall open the file upon  
 15 application to and order of the court for good cause  
 16 shown."

17 2. By renumbering as necessary.

ROBERT E. DVORSKY  
 JACK HOLVECK  
 JOE BOLKCOM

**S-3482**

1 Amend Senate File 535 as follows:

2 1. Page 5, by striking lines 3 through 23 and  
 3 inserting the following:  
 4 "The division of vocational rehabilitation services  
 5 shall seek funding from other sources, such as local  
 6 funds, for purposes of matching the state's federal  
 7 vocational rehabilitation allocation, as well as for  
 8 matching other federal vocational rehabilitation  
 9 funding that may become available."

10 2. Page 6, by striking lines 16 through 19.

11 3. Page 6, line 31, by inserting after the word  
 12 "to" the following: "provide support for Iowa's  
 13 libraries. The commission of libraries shall develop  
 14 rules governing the allocation of funds provided by  
 15 the general assembly for the enrich Iowa program to  
 16 provide direct state assistance to public libraries  
 17 and to fund the open access and access plus programs.  
 18 Direct state assistance to eligible public libraries  
 19 is provided as an incentive to improve library  
 20 services and to reduce inequities among communities in  
 21 the delivery of library services based on recognized  
 22 and adopted performance measures. Funds distributed  
 23 as direct state assistance shall be distributed to".

24 4. Page 6, line 35, by inserting after the word  
 25 "amount" the following: "of direct state assistance  
 26 distributed under the enrich Iowa program for the  
 27 fiscal year beginning July 1, 2001, shall not be lower  
 28 than the amount distributed under the enrich Iowa  
 29 program for the fiscal year commencing July 1, 2000.  
 30 The amount of direct state assistance".

31 5. Page 8, line 20, by striking the figure  
 32 "7,029,579" and inserting the following: "7,529,579".

33 6. Page 11, by striking lines 18 through 35 and  
 34 inserting the following:

35 ".....\$ 142,722,759  
 36 The funds appropriated in this subsection shall be

37 allocated as follows:

38	a. Merged Area I .....	\$	6,849,351
39	b. Merged Area II .....	\$	8,045,485
40	c. Merged Area III .....	\$	7,474,072
41	d. Merged Area IV .....	\$	3,653,168
42	e. Merged Area V .....	\$	7,642,878
43	f. Merged Area VI .....	\$	7,080,981
44	g. Merged Area VII .....	\$	10,216,915
45	h. Merged Area IX .....	\$	12,566,066
46	i. Merged Area X .....	\$	19,720,863
47	j. Merged Area XI .....	\$	20,930,929
48	k. Merged Area XII .....	\$	8,246,174
49	l. Merged Area XIII .....	\$	8,479,556
50	m. Merged Area XIV .....	\$	3,696,728

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1	n. Merged Area XV .....	\$	1,632,302
2	o. Merged Area XVI .....	\$	6,487,291"
3	7. Page 12, line 25, by striking the figure		
4	"15.63" and inserting the following: "16.00".		
5	8. Page 13, line 23, by striking the figure		
6	"240,485,993" and inserting the following:		
7	"241,123,493".		
8	9. Page 17, line 32, by striking the figure		
9	"190,389,770" and inserting the following:		
10	"190,789,770".		
11	10. By striking page 18, line 32 through page 19,		
12	line 1.		
13	11. Page 19, line 19, by striking the figure		
14	"85,204,825" and inserting the following:		
15	"85,454,825".		
16	12. Page 20, line 2, by striking the figure		
17	"7,687,328" and inserting the following: "7,695,239".		
18	13. Page 20, line 8, by striking the figure		
19	"4,294,276" and inserting the following: "4,298,696".		
20	14. Page 20, line 17, by striking the figure		
21	"15,925" and inserting the following: "15,941".		
22	15. By striking page 22, line 35 through page 23,		
23	line 6.		
24	16. Page 23, lines 25 and 26, by striking the		
25	words "general assembly" and inserting the following:		
26	"state board of education".		
27	17. Page 23, line 28, by inserting after the word		
28	"college." the following: "The state board shall also		
29	determine whether state moneys were used to purchase,		
30	acquire, or support the radio broadcast station or		
31	license and, if state moneys were used, the board of		
32	directors shall also seek the prior approval of the		
33	executive council."		
34	18. Page 23, by striking lines 33 and 34.		
35	19. Page 24, by striking line 4 and inserting the		

36 following: "~~eight forty-six~~ million ~~eight three~~  
 37 hundred ~~thirty fifty~~ thousand".  
 38 20. Page 24, lines 22 and 23, by striking the  
 39 words "general assembly" and inserting the following:  
 40 "executive council".  
 41 21. Page 24, by striking lines 31 and 32.  
 42 22. Page 26, by inserting after line 18 the  
 43 following: "amended to read as follows:  
 44 5. For the fiscal year beginning July 1, ~~1997~~  
 45 ~~2001~~, and ending June 30, ~~1998 2002~~, the amount of  
 46 fifty thousand dollars to be paid to the department of  
 47 education for participation in a state and national  
 48 project, the national assessment of education  
 49 progress, to determine the academic achievement of  
 50 Iowa students in math, reading, science, United States

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1 history, or geography.  
 2 Sec. \_\_\_\_ Section 294A.25, subsection 6, Code  
 3 2001, is".  
 4 23. Page 26, line 21, by striking the figure "5"  
 5 and inserting the following: "6".  
 6 24. Page 26, line 26, by striking the figure and  
 7 word "6 and".  
 8 25. By renumbering as necessary.

DONALD B. REDFERN

### S-3483

1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting before line 1, the  
 4 following:  
 5 "Section 1. Section 199.1, Code 2001, is amended  
 6 by adding the following new subsections:  
 7 NEW SUBSECTION. 5A. "Contamination" means the  
 8 unintended presence of a plant or plant part  
 9 transferred from an originating area to an area  
 10 without the presence of the plant or plant part that  
 11 alters the genetic characteristics of a plant.  
 12 NEW SUBSECTION. 5B. "Crop" means any plant  
 13 produced from an agricultural seed or vegetable seed,  
 14 or any harvested part of the plant.  
 15 NEW SUBSECTION. 6A. "Field" means an originating  
 16 field or a neighboring field.  
 17 NEW SUBSECTION. 6B. "Genetically modified" means  
 18 to alter the genetic characteristics of a plant by  
 19 modifying the deoxyribonucleic acid of the plant's  
 20 seed in a manner other than by breeding or  
 21 pollination.

22 NEW SUBSECTION. 19A. "Seed dealer" means a person  
23 who sells or offers for sale agricultural seed or  
24 vegetable seed to persons on a retail basis.

25 NEW SUBSECTION. 19B. "Seed labeler" means a  
26 person required to label agricultural seed or  
27 vegetable seed as provided in section 199.3 or 199.4.

28 Sec. \_\_\_\_ Section 199.3, subsection 1, Code 2001,  
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. f. The label shall include an  
31 identification of genetically modified agricultural  
32 seed or vegetable seed included in the container. If  
33 the agricultural seed or vegetable seed is genetically  
34 modified, the label shall comply with sections 199.22  
35 and 199.23.

36 Sec. \_\_\_\_ Section 199.8, Code 2001, is amended by  
37 adding the following new subsection:

38 NEW SUBSECTION. 4. A person shall not sell, offer  
39 for sale, or expose for sale agricultural seed or  
40 vegetable seed that has been genetically modified, if  
41 the person has represented that that agricultural seed  
42 or vegetable seed is not genetically modified.

43 Sec. \_\_\_\_ Section 199.13, Code 2001, is amended to  
44 read as follows:

45 199.13 PENALTY.

46 1. a. A violation of person who violates this  
47 chapter is guilty of a simple misdemeanor.

48 b. A person who violates subchapter 2 is subject  
49 to a civil penalty of not more than one thousand  
50 dollars. Civil penalties collected under this

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1 paragraph shall be deposited in the general fund of  
2 the state.

3 2. The department may institute criminal or civil  
4 proceedings in a court of competent jurisdiction in  
5 order to enforce this chapter. When in the  
6 performance of the ~~secretary's~~ department's duties in  
7 enforcing this chapter the ~~secretary~~ department  
8 applies to a court for a temporary or permanent  
9 injunction restraining a person from violating or  
10 continuing to violate any of the provisions of this  
11 chapter or rules adopted under this chapter, the  
12 injunction is to be issued without bond and the person  
13 restrained by the injunction shall pay the costs made  
14 necessary by the procedure.

#### 15 SUBCHAPTER 2

16 GENETICALLY MODIFIED AGRICULTURAL SEED

17 Sec. \_\_\_\_ NEW SECTION. 199.21 APPLICABILITY.

18 The department, in consultation with the attorney  
19 general, shall provide an exception from a requirement  
20 in this subchapter as applied to any type of



20 Sec. \_\_\_\_ NEW SECTION. 199.23 PRODUCTION  
21 INFORMATION REQUIREMENTS.  
22 1. A seed labeler shall provide production  
23 information for agricultural seed or vegetable seed  
24 that has been genetically modified as required in this  
25 section to the extent that the production information  
26 is known by the seed labeler. The production  
27 information shall appear on the label as provided in  
28 section 199.3 or in a pamphlet attached to the  
29 container or accompanying agricultural seed or  
30 vegetable seed that is sold in bulk as provided in  
31 section 199.4. A seed dealer shall not sell  
32 agricultural seed or vegetable seed that the seed  
33 labeler identifies as genetically modified, unless the  
34 seed dealer provides the purchaser of agricultural  
35 seed or vegetable seed with the production  
36 information. The production information shall include  
37 all of the following:  
38 a. A brief description of the consequences of the  
39 genetic modification, including but not limited to any  
40 consequences affecting hardiness, growth rate, yield,  
41 resistance, adaptability, appearance, or intrinsic  
42 qualities such as oil content.  
43 b. Sound management practices required to minimize  
44 the risk of transferring gene characteristics to other  
45 varieties of plants. The sound management practices  
46 shall consist of requirements for planting  
47 agricultural seed or vegetable seed that has been  
48 genetically modified and methods to maintain the  
49 separated area in order to prevent a significant risk  
50 of contamination occurring from any of the following:

Page 4

- 1 (1) The transfer of gene characteristics to crops  
2 planted on a neighboring area by pollination,  
3 including the pollination of crops or the pollination  
4 of other related plants inhabiting the neighboring  
5 area.
- 6 (2) The transfer of agricultural seed or vegetable  
7 seed that has been genetically modified to a  
8 neighboring area.
- 9 c. A notice, if necessary, regarding any financial  
10 risks associated with marketing the crop, including  
11 but not limited to restrictions regarding all of the  
12 following:
  - 13 (1) The handling and storage of the crop,  
14 including segregation requirements.
  - 15 (2) The sale of the crop in domestic and foreign  
16 markets, including import restrictions imposed by  
17 other nations.
  - 18 (3) The use of the crop, including restrictions

19 regarding human consumption of the crop or products  
20 processed using the crop.

21 2. The language used in the production information  
22 shall comply with standard rules of spelling, grammar,  
23 punctuation, and usage. The production information  
24 shall be printed in a type size of not less than ten  
25 points. The production information shall use terms  
26 that are commonly understood by a reasonable person of  
27 average intelligence, education, and experience who  
28 regularly produces crops originating from the same  
29 type of agricultural seed or vegetable seed that has  
30 been genetically modified that the person is  
31 purchasing.

32 Sec. \_\_\_\_ NEW SECTION. 199.24 FOOD CROPS NOT  
33 APPROVED FOR HUMAN CONSUMPTION -- COLOR-CODED SEEDS OR  
34 SECURITY PLAN.

35 1. As used in this section, "designated seed"  
36 means agricultural seed or vegetable seed producing a  
37 crop that may be processed into a food product, but is  
38 not approved for human consumption by an agency of the  
39 federal government, including but not limited to the  
40 United States food and drug administration, because  
41 the agricultural seed or vegetable seed is genetically  
42 modified.

43 2. a. A person shall not sell, offer for sale, or  
44 transport designated seed in this state, unless any of  
45 the following applies:

46 (1) The designated seed is artificially colored  
47 solid blaze orange.

48 (2) The department approves a security plan, or  
49 amendments to an approved security plan, submitted by  
50 the person producing a crop from designated seed,

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1 according to rules adopted by the department. The  
2 security plan shall provide for sound management  
3 practices used to ensure that there is no risk of  
4 contamination, and for harvesting, storing,  
5 transporting, processing, marketing, and utilizing  
6 crops or goods processed from those crops in a manner  
7 that provides no risk that the crops or goods  
8 processed from the crops will be utilized for human  
9 consumption. The security plan shall be accompanied  
10 by all necessary certifications by persons who will  
11 harvest, store, transport, process, or market the crop  
12 or goods processed from the crop, as required by the  
13 department. The department may approve amendments to  
14 the security plan.

15 b. A person shall not sell, offer for sale, or  
16 transport agricultural seed or vegetable seed in this  
17 state that is artificially colored solid blaze orange,

18 unless it is designated seed. A person shall not  
 19 knowingly use management practices, or harvest, store,  
 20 transport, process, or market crops or goods processed  
 21 from those crops in violation of the security plan.

22 Sec. \_\_\_\_ NEW SECTION. 199.25 LIABILITY.

23 A person suffering damages resulting from an act  
 24 which is in violation of subchapter 2 may bring an  
 25 action in the district court against the person  
 26 causing the damage to recover all of the following:

27 1. Twice the amount of damages directly incurred  
 28 by market losses, based on the lost market value due  
 29 to contamination. If a contaminated crop has no  
 30 market value, the damages shall be twice the amount of  
 31 actual damages incurred in producing, harvesting, and  
 32 storing the crop.

33 2. A prevailing plaintiff in an action brought  
 34 under this section shall be awarded court costs and  
 35 reasonable attorney fees, which shall be taxed as part  
 36 of the costs of the action.

37 Sec. \_\_\_\_ NEW SECTION. 199.26 PENALTIES.

38 A person who violates subchapter 2 is guilty of  
 39 criminal mischief as provided in section 716.1, and  
 40 commits the same class of offense as provided in  
 41 sections 716.3 through 716.6 based on the amount of  
 42 damage incurred."

43 2. Page 7, by inserting after line 2, the  
 44 following:

45 "Sec. \_\_\_\_ DIRECTIONS TO CODE EDITOR. The Code  
 46 editor shall organize chapter 199 in conformance with  
 47 this Act. The Code editor shall transfer sections  
 48 199.11 through 199.14 into a new subchapter 3.

49 Sec. \_\_\_\_ EFFECTIVE DATE. Sections 199.1, 199.3,  
 50 199.8, and 199.13, as amended by this Act, and

Page 6

1 sections 199.21 through 199.26, as enacted by this  
 2 Act, take effect on September 1, 2001."

3 3. Title page, line 1, by inserting after the  
 4 word "by" the following: "providing for genetically  
 5 modified agricultural crops,".

6 4. By renumbering as necessary.

THOMAS FIEGEN

**S-3484**

1 Amend House File 502, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3, the  
 4 following:

5 "\_\_\_\_. "Biotechnological system or technique" means

6 a process used to alter the genetic characteristics of  
7 a plant by modifying the deoxyribonucleic acid of the  
8 plant's seed in a manner other than by breeding or  
9 pollination."

10 2. Page 2, by inserting after line 5, the  
11 following:

12 "\_\_\_\_. "Contamination" means the unintended  
13 presence of a plant or plant part transferred from an  
14 originating area to an area without the presence of  
15 the plant or plant part that alters the genetic  
16 characteristics of a plant."

17 3. Page 4, by inserting after line 5, the  
18 following:

19 "\_\_\_\_. "Seed dealer" means a person who sells or  
20 offers for sale agricultural seed or vegetable seed to  
21 persons on a retail basis.

22 \_\_\_\_\_. "Seed labeler" means a person required to  
23 label agricultural seed or vegetable seed as provided  
24 in section 199.3 or 199.4."

25 4. Page 4, by striking line 19, and inserting the  
26 following:

27 "1. A person shall not".

28 5. Page 4, line 22, by inserting after the words  
29 "crop operation property" the following: ", without  
30 the consent of the owner".

31 6. Page 4, line 25, by inserting after the word  
32 "property" the following: ", without the consent of  
33 the owner".

34 7. Page 4, line 26, by inserting after the word  
35 "property," the following: "without the consent of  
36 the owner,".

37 8. Page 5, by inserting after line 12, the  
38 following:

39 "d. Sell agricultural seed as defined in section  
40 199.1 that has been genetically modified using a  
41 biotechnological system or technique, unless the  
42 person selling such agricultural seed provides a full  
43 written disclosure statement to the purchaser that the  
44 agricultural seed has been genetically modified. A  
45 seed labeler shall provide notice of an agricultural  
46 seed that is genetically modified as provided in this  
47 section on the label of a container holding the  
48 agricultural seed as provided in section 199.3 or on a  
49 placard as provided in section 199.4. A seed dealer  
50 shall provide the same notice in a disclosure

Page 2

1 statement to a person purchasing the agricultural seed  
2 on a retail basis prior to or at the time of the  
3 purchase. The disclosure statement may be contained  
4 on a separate form or part of an invoice or bill of

5 sale evidencing a transaction. The seed dealer shall  
 6 not sell agricultural seed that has been genetically  
 7 modified, unless the purchaser signs the disclosure  
 8 statement acknowledging that the purchaser has read  
 9 the statement. The seed dealer shall maintain a copy  
 10 of the acknowledged disclosure statement as part of  
 11 the seed dealer's business records.

12 The form of the disclosure statement shall be  
 13 prescribed by rules adopted by the department. The  
 14 notice shall appear in a printed bold-faced font in at  
 15 least ten point type. The notice shall appear in the  
 16 following form:

17 **NOTICE**

18 **GENETICALLY MODIFIED AGRICULTURAL SEED**

19 This agricultural seed is genetically modified.  
 20 Please consult the label appearing on this package or  
 21 the pamphlet required to be attached to the container  
 22 or accompanying the bulk sale of agricultural seed,  
 23 regarding important production information, including  
 24 possible restrictions, about the production and  
 25 marketing of a crop grown from this agricultural or  
 26 vegetable seed."

27 9. Page 6, by inserting after line 30, the  
 28 following:

29 "4A. A person who sells agricultural seed that has  
 30 been genetically modified using a biotechnological  
 31 system or technique in violation of subsection 1,  
 32 paragraph "d", is guilty of a serious misdemeanor."

33 10. By renumbering as necessary.

THOMAS FIEGEN

**S-3485**

1 Amend Senate File 535 as follows:

- 2 1. Page 5, line 1, by striking the figure  
 3 "4,648,441" and inserting the following: "4,698,441".

DONALD B. REDFERN

**S-3486**

1 Amend the amendment, S-3482, to Senate File 535 as  
 2 follows:

- 3 1. Page 2, by striking lines 24 through 34 and  
 4 inserting the following:  
 5 "\_\_\_\_. Page 23, by striking lines 23 through 34."  
 6 2. By renumbering as necessary.

STEVEN D. HANSEN  
 ROBERT E. DVORSKY  
 JOHN P. KIBBIE

**S-3487**

1 Amend Senate File 535 as follows:

2 1. Page 23, by inserting before line 35 the  
3 following:

4 "Sec. \_\_\_\_ Section 260C.15, subsection 1, Code  
5 2001, is amended to read as follows:

6 1. Regular elections held annually by the merged  
7 area for the election of members of the board of  
8 directors as required by section 260C.11, for the  
9 renewal of the ~~twenty~~ twenty-two and ~~one-fourth~~ three-  
10 fourths cents per thousand dollars of assessed  
11 valuation levy authorized in section 260C.22, or for  
12 any other matter authorized by law and designated for  
13 election by the board of directors of the merged area,  
14 shall be held on the date of the school election as  
15 fixed by section 277.1. The election notice shall be  
16 made a part of the local school election notice  
17 published as provided in section 49.53 in each local  
18 school district where voting is to occur in the merged  
19 area election and the election shall be conducted by  
20 the county commissioner of elections pursuant to  
21 chapters 39 to 53 and section 277.20.

22 Sec. \_\_\_\_ Section 260C.22, subsection 1, paragraph  
23 a, Code 2001, is amended to read as follows:

24 a. In addition to the tax authorized under section  
25 260C.17, the voters in any merged area may at the  
26 annual school election vote a tax not exceeding ~~twenty~~  
27 twenty-two and ~~one-fourth~~ three-fourths cents per  
28 thousand dollars of assessed value in any one year for  
29 a period not to exceed ten years for the purchase of  
30 grounds, construction of buildings, payment of debts  
31 contracted for the construction of buildings, purchase  
32 of buildings and equipment for buildings, and the  
33 acquisition of libraries, for the purpose of paying  
34 costs of utilities, and for the purpose of  
35 maintaining, remodeling, improving, or expanding the  
36 community college of the merged area. If the tax levy  
37 is approved under this section, the costs of utilities  
38 shall be paid from the proceeds of the levy. The tax  
39 shall be collected by the county treasurers and  
40 remitted to the treasurer of the merged area as  
41 provided in section 331.552, subsection 29. The  
42 proceeds of the tax shall be deposited in a separate  
43 and distinct fund to be known as the voted tax fund,  
44 to be paid out upon warrants drawn by the president  
45 and secretary of the board of directors of the merged  
46 area district for the payment of costs incurred in  
47 providing the school facilities for which the tax was  
48 voted.

49 Sec. \_\_\_\_ Section 260C.22, subsection 1, Code  
50 2001, is amended by adding the following new

Page 2

1 paragraph:

2 NEW PARAGRAPH. f. If the voters in a merged area  
3 have authorized a tax pursuant to paragraph "a" not  
4 exceeding twenty and one-fourth cents per thousand  
5 dollars of assessed value prior to July 1, 2001, the  
6 tax shall continue for the period originally  
7 authorized under the voter-approved tax, and the  
8 maximum tax that can be authorized by the voters on or  
9 after July 1, 2001, under this section, for the period  
10 of the original authorized tax, is an additional  
11 amount such that the total amount of tax does not  
12 exceed twenty-two and three-fourths cents for a period  
13 to coincide with the remaining period for which the  
14 initial tax in the merged area was approved.

15 Sec. \_\_\_\_ Section 260C.28, subsection 1, Code  
16 2001, is amended to read as follows:

17 1. Annually, the board of directors may certify  
18 for levy a tax on taxable property in the merged area  
19 at a rate not exceeding three five and one-half cents  
20 per thousand dollars of assessed valuation for  
21 equipment replacement for the community college.

22 Sec. \_\_\_\_ Section 260C.28, subsection 2, Code  
23 2001, is amended to read as follows:

24 2. However, the board of directors may annually  
25 certify for levy a tax on taxable property in the  
26 merged area at a rate in excess of the three five and  
27 one-half cents per thousand dollars of assessed  
28 valuation specified under subsection 1 if the excess  
29 tax levied does not cause the total rate certified to  
30 exceed a rate of nine eleven and one-half cents per  
31 thousand dollars of assessed valuation, and the excess  
32 revenue generated is used for purposes of program  
33 sharing between community colleges or for the purchase  
34 of instructional equipment. Programs that are shared  
35 shall be designed to increase student access to  
36 community college programs and to achieve efficiencies  
37 in program delivery at the community colleges,  
38 including, but not limited to, the programs described  
39 under sections 260C.45 and 260C.46. Prior to  
40 expenditure of the excess revenues generated under  
41 this subsection, the board of directors shall obtain  
42 the approval of the director of the department of  
43 education."

44 2. By renumbering as necessary.

JOHN P. KIBBIE  
ROBERT E. DVORSKY  
DENNIS H. BLACK

S-3488

1 Amend the amendment, S-3482, to Senate File 535 as  
2 follows:  
3 1. By striking page 1, line 35, through page 2,  
4 line 2, and inserting the following:  
5 "" .....\$ 150,077,403  
6 The funds appropriated in this subsection shall be  
7 allocated as follows:  
8 a. Merged Area I .....\$ 7,202,305  
9 b. Merged Area II .....\$ 8,460,077  
10 c. Merged Area III .....\$ 7,859,218  
11 d. Merged Area IV .....\$ 3,841,420  
12 e. Merged Area V .....\$ 8,036,723  
13 f. Merged Area VI .....\$ 7,445,871  
14 g. Merged Area VII .....\$ 10,743,403  
15 h. Merged Area IX .....\$ 13,213,608  
16 i. Merged Area X .....\$ 20,737,098  
17 j. Merged Area XI .....\$ 22,009,520  
18 k. Merged Area XII .....\$ 8,671,108  
19 l. Merged Area XIII .....\$ 8,916,516  
20 m. Merged Area XIV .....\$ 3,887,223  
21 n. Merged Area XV .....\$ 2,231,726  
22 o. Merged Area XVI .....\$ 6,821,587  
23 Sec. \_\_\_\_ DISTRIBUTION OF FUNDS APPROPRIATED. For  
24 the fiscal year beginning July 1, 2001, and ending  
25 June 30, 2002, moneys appropriated by the general  
26 assembly from the general fund of the state to the  
27 department of education for community colleges for a  
28 fiscal year shall be allocated to each community  
29 college by the department of education in the  
30 following manner:  
31 1. BASE FUNDING. The base funding for a fiscal  
32 year shall be equal to the amount each community  
33 college received as an allocation from appropriations  
34 made from the general fund of the state in the most  
35 recent fiscal year.  
36 2. DISTRIBUTION FOR INFLATION. First priority  
37 shall be to give each college an increase based upon  
38 inflation. The inflation increase shall be not less  
39 than 2 percent. However, the inflation increase shall  
40 be equal to the national inflation rate, if it exceeds  
41 2 percent, if the amount of state aid appropriated is  
42 equal to or greater than the national inflation rate.  
43 3. DISTRIBUTION BASED ON PROPORTIONAL SHARE OF  
44 ENROLLMENT. The balance of the growth in state aid  
45 appropriations, once the inflation increase has been  
46 satisfied, shall be distributed based on each  
47 college's proportional share of enrollment. However,  
48 a minimum of one percent of the total growth shall be  
49 distributed in this manner.  
50 4. If the total appropriation made by the general

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- 1 assembly is less than 2 percent growth, the entire  
 2 increase shall be distributed as inflation."  
 3 2. By renumbering as necessary.

JOHN P. KIBBIE  
 STEVEN D. HANSEN  
 ROBERT E. DVORSKY  
 DENNIS H. BLACK  
 WALLY E. HORN

### S-3489

- 1 Amend the amendment, S-3482, to Senate File 535, as  
 2 follows:  
 3 1. Page 2, line 10, by striking the figure  
 4 "190,789,770" and inserting the following:  
 5 "193,108,970".

JOHNIE HAMMOND  
 MATT McCOY  
 BILL FINK  
 ROBERT E. DVORSKY

### S-3490

- 1 Amend the amendment, S-3482, to Senate File 535, as  
 2 follows:  
 3 1. Page 2, by striking lines 35 through 37 and  
 4 inserting the following:  
 5 "\_\_\_\_. Page 24, by striking lines 4 and 5, and  
 6 inserting the following: "~~eight forty-seven~~ million  
 7 ~~eight seven~~ hundred ~~thirty forty-eight~~ thousand  
 8 ~~seventy-five~~ one hundred thirty-one dollars for  
 9 tuition".

TOM FLYNN  
 STEVEN D. HANSEN  
 BILL FINK  
 JACK HOLVECK  
 THOMAS FIEGEN  
 MATT McCOY  
 DENNIS H. BLACK  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 ROBERT E. DVORSKY  
 JOHN P. KIBBIE

**S-3491**

- 1 Amend Senate File 535 as follows:  
 2 1. Page 12, by inserting before line 1, the  
 3 following:  
 4 "Sec. \_\_\_\_ . DISTRIBUTION OF FUNDS APPROPRIATED.  
 5 For the fiscal year beginning July 1, 2001, and ending  
 6 June 30, 2002, moneys appropriated by the general  
 7 assembly from the general fund of the state to the  
 8 department of education for community colleges for a  
 9 fiscal year shall be allocated to each community  
 10 college by the department of education in the  
 11 following manner:  
 12 1. BASE FUNDING. The base funding for a fiscal  
 13 year shall be equal to the amount each community  
 14 college received as an allocation from appropriations  
 15 made from the general fund of the state in the most  
 16 recent fiscal year.  
 17 2. DISTRIBUTION FOR INFLATION. First priority  
 18 shall be to give each college an increase based upon  
 19 inflation. The inflation increase shall be not less  
 20 than 2 percent. However, the inflation increase shall  
 21 be equal to the national inflation rate, if it exceeds  
 22 2 percent, if the amount of state aid appropriated is  
 23 equal to or greater than the national inflation rate.  
 24 3. DISTRIBUTION BASED ON PROPORTIONAL SHARE OF  
 25 ENROLLMENT. The balance of the growth in state aid  
 26 appropriations, once the inflation increase has been  
 27 satisfied, shall be distributed based on each  
 28 college's proportional share of enrollment. However,  
 29 a minimum of one percent of the total growth shall be  
 30 distributed in this manner.  
 31 4. If the total appropriation made by the general  
 32 assembly is less than 2 percent growth, the entire  
 33 increase shall be distributed as inflation."  
 34 2. By renumbering as necessary.

JOHN P. KIBBIE  
 WALLY E. HORN

**S-3492**

- 1 Amend Senate File 535 as follows:  
 2 1. Page 3, line 2, by striking the figure  
 3 "238,937" and inserting the following: "254,188".  
 4 2. Page 3, line 12, by striking the figure  
 5 "649,680" and inserting the following: "691,149".  
 6 3. Page 3, line 18, by striking the figure  
 7 "3,159,704" and inserting the following: "3,195,387".

8 4. Page 3, line 30, by striking the figure  
9 "1,345,522" and inserting the following: "1,401,406".

JACK HOLVECK

**S-3493**

1 Amend Senate File 518 as follows:  
2 1. By striking everything after the enacting  
3 clause, and inserting the following:  
4 "Section 1. Section 15.333, subsection 1, Code  
5 Supplement 1999, as amended by 2000 Iowa Acts, chapter  
6 1213, section 1, is amended to read as follows:  
7 1. An eligible business may claim a corporate tax  
8 credit up to a maximum of ten percent of the new  
9 investment which is directly related to new jobs  
10 created by the location or expansion of an eligible  
11 business under the program. Any credit in excess of  
12 the tax liability for the tax year may be credited to  
13 the tax liability for the following seven years or  
14 until depleted, whichever occurs earlier. Subject to  
15 prior approval by the department of economic  
16 development in consultation with the department of  
17 revenue and finance, an eligible business whose  
18 project primarily involves the production of value-  
19 added agricultural products may elect to refund all or  
20 a portion of an unused tax credit. For purposes of  
21 this section, an eligible business includes a  
22 cooperative described in section 521 of the Internal  
23 Revenue Code which is not required to file an Iowa  
24 corporate income tax return, and whose project  
25 primarily involves the production of ethanol. The  
26 refund may be used against a tax liability imposed  
27 under chapter 422, division II, III, or V. If the  
28 business is a partnership, subchapter S corporation,  
29 limited liability company, or estate or trust electing  
30 to have the income taxed directly to the individual,  
31 an individual may claim the tax credit allowed. The  
32 amount claimed by the individual shall be based upon  
33 the pro rata share of the individual's earnings of the  
34 partnership, subchapter S corporation, limited  
35 liability company, or estate or trust. For purposes  
36 of this section, "new investment directly related to  
37 new jobs created by the location or expansion of an  
38 eligible business under the program" means the cost of  
39 machinery and equipment, as defined in section 427A.1,  
40 subsection 1, paragraphs "e" and "j", purchased for  
41 use in the operation of the eligible business, the  
42 purchase price of which has been depreciated in  
43 accordance with generally accepted accounting  
44 principles, and the cost of improvements made to real  
45 property which is used in the operation of the

46 eligible business and which receives a partial  
 47 property tax exemption for the actual value added  
 48 under section 15.332.  
 49 1A. An eligible business whose project primarily  
 50 involves the production of value-added agricultural

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1 products, that elects to receive a refund of all or a  
 2 portion of an unused tax credit, shall apply to the  
 3 department of economic development for tax credit  
 4 certificates. An eligible business whose project  
 5 primarily involves the production of value-added  
 6 agricultural products shall not claim a tax credit  
 7 under this section unless a tax credit certificate  
 8 issued by the department of economic development is  
 9 attached to the taxpayer's tax return for the tax year  
 10 during which the tax credit is claimed. For purposes  
 11 of this section, an eligible business includes a  
 12 cooperative described in section 521 of the Internal  
 13 Revenue Code which is not required to file an Iowa  
 14 corporate income tax return, and whose project  
 15 primarily involves the production of ethanol. A tax  
 16 credit certificate shall not be valid until the tax  
 17 year following the date of the project completion. A  
 18 tax credit certificate shall contain the taxpayer's  
 19 name, address, tax identification number, the date of  
 20 project completion, the amount of the tax credit,  
 21 other information required by the department of  
 22 revenue and finance. The department of economic  
 23 development shall not issue tax credit certificates  
 24 which total more than four million dollars during a  
 25 fiscal year. If the department receives applications  
 26 for tax credit certificates in excess of four million  
 27 dollars, the applicants shall receive certificates for  
 28 a prorated amount. The tax credit certificates shall  
 29 not be transferred. For a cooperative described in  
 30 section 521 of the Internal Revenue Code that is not  
 31 required to file an Iowa corporate income tax return,  
 32 the department of economic development shall require  
 33 that the cooperative submit a list of its members and  
 34 the share of each member's interest in the  
 35 cooperative. The department shall issue a tax credit  
 36 certificate to each member contained on the submitted  
 37 list.

38 Sec. 2. NEW SECTION. 422.11C ETHANOL BLENDED  
 39 GASOLINE TAX CREDIT.

- 40 1. As used in this section, unless the context  
 41 otherwise requires:  
 42 a. "Ethanol blended gasoline" means the same as  
 43 defined in section 452A.2.  
 44 b. "Gasoline" means gasoline that meets the

45 specifications required by the department of  
46 agriculture and land stewardship pursuant to section  
47 214A.2 that is dispensed through a metered pump.  
48 c. "Metered pump" means a motor vehicle fuel pump  
49 licensed by the department of agriculture and land  
50 stewardship pursuant to chapter 214.

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1 d. "Retail dealer" means a retail dealer as  
2 defined in section 214A.1 who operates a metered pump  
3 at a service station.  
4 e. "Sell" means to sell on a retail basis.  
5 f. "Service station" means each geographic  
6 location in this state where a retail dealer sells and  
7 dispenses gasoline on a retail basis.  
8 g. "Tax credit" means the designated ethanol  
9 blended gasoline tax credit as provided in this  
10 section.  
11 2. The taxes imposed under this division, less the  
12 credits allowed under sections 422.12 and 422.12B,  
13 shall be reduced by an ethanol blended gasoline tax  
14 credit for each tax year that the taxpayer is eligible  
15 to claim the tax credit under this section. In order  
16 to be eligible, all of the following must apply:  
17 a. The taxpayer is a retail dealer.  
18 b. The taxpayer operates at least one service  
19 station at which more than sixty percent of the total  
20 gallons of gasoline sold and dispensed through one or  
21 more metered pumps by the taxpayer in the tax year is  
22 ethanol blended gasoline.  
23 c. The taxpayer complies with requirements of the  
24 department required to administer this section.  
25 3. The tax credit shall be calculated separately  
26 for each service station site operated by the  
27 taxpayer. The amount of the tax credit for each  
28 eligible service station is two and one-half cents  
29 multiplied by the total number of gallons of ethanol  
30 blended gasoline sold and dispensed through all  
31 metered pumps located at that service station during  
32 the tax year in excess of sixty percent of all  
33 gasoline sold and dispensed through metered pumps at  
34 that service station during the tax year.  
35 4. Any credit in excess of the taxpayer's tax  
36 liability shall be refunded. In lieu of claiming a  
37 refund, the taxpayer may elect to have the overpayment  
38 shown on the taxpayer's final, completed return  
39 credited to the tax liability for the following tax  
40 year.  
41 5. An individual may claim the tax credit allowed  
42 a partnership, limited liability company, S  
43 corporation, estate, or trust electing to have the

44 income taxed directly to the individual. The amount  
 45 claimed by the individual shall be based upon the pro  
 46 rata share of the individual's earnings of a  
 47 partnership, limited liability company, S corporation,  
 48 estate, or trust.

49 Sec. 3. Section 422.33, Code 2001, is amended by  
 50 adding the following new subsection:

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1 NEW SUBSECTION. 11. a. As used in this  
 2 subsection, unless the context otherwise requires:  
 3 (1) "Ethanol blended gasoline", "gasoline",  
 4 "metered pump", "retail dealer", "sell", and "service  
 5 station" mean the same as defined in section 422.11C.  
 6 (2) "Tax credit" means the designated ethanol  
 7 blended gasoline tax credit as provided in this  
 8 subsection.  
 9 b. The taxes imposed under this division shall be  
 10 reduced by an ethanol blended gasoline tax credit for  
 11 each tax year that the taxpayer is eligible to claim  
 12 the tax credit under this subsection. In order to be  
 13 eligible, all of the following must apply:  
 14 (1) The taxpayer is a retail dealer.  
 15 (2) The taxpayer operates at least one service  
 16 station at which more than sixty percent of the total  
 17 gallons of gasoline sold and dispensed through one or  
 18 more metered pumps by the taxpayer is ethanol blended  
 19 gasoline.  
 20 (3) The taxpayer complies with requirements of the  
 21 department required to administer this subsection.  
 22 c. The tax credit shall be calculated separately  
 23 for each service station site operated by the  
 24 taxpayer. The amount of the tax credit for each  
 25 eligible service station is two and one-half cents  
 26 multiplied by the total number of gallons of ethanol  
 27 blended gasoline sold and dispensed through all  
 28 metered pumps located at that service station during  
 29 the tax year in excess of sixty percent of all  
 30 gasoline sold and dispensed through metered pumps at  
 31 that service station during the tax year.  
 32 d. Any credit in excess of the taxpayer's tax  
 33 liability shall be refunded. In lieu of claiming a  
 34 refund, the taxpayer may elect to have the overpayment  
 35 shown on the taxpayer's final, completed return  
 36 credited to the tax liability for the following tax  
 37 year.  
 38 Sec. 4. Section 452A.3, subsection 1, Code 2001,  
 39 is amended by striking the subsection and inserting in  
 40 lieu thereof the following:  
 41 1. Except as otherwise provided in this section  
 42 and in this division, until June 30, 2007, this

43 subsection shall apply to the excise tax imposed on  
44 each gallon of motor fuel used for any purpose for the  
45 privilege of operating motor vehicles in this state.  
46 a. The rate of the excise tax shall be based on  
47 the number of gallons of ethanol blended gasoline that  
48 is distributed in this state as expressed as a  
49 percentage of the number of gallons of motor fuel  
50 distributed in this state, which is referred to as the

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1 distribution percentage. The department shall  
2 determine the percentage basis for each determination  
3 period beginning January 1 and ending December 31.  
4 The rate for the excise tax shall apply for the period  
5 beginning July 1 and ending June 30 following the end  
6 of the determination period.

7 b. The rate for the excise tax shall be as  
8 follows:

9 (1) If the distribution percentage is not greater  
10 than fifty percent, the rate shall be nineteen cents  
11 for ethanol blended gasoline and twenty cents for  
12 motor fuel other than ethanol blended gasoline.

13 (2) If the distribution percentage is greater than  
14 fifty percent but not greater than fifty-five percent,  
15 the rate shall be nineteen cents for ethanol blended  
16 gasoline and twenty and one-tenth cents for motor fuel  
17 other than ethanol blended gasoline.

18 (3) If the distribution percentage is greater than  
19 fifty-five percent but not greater than sixty percent,  
20 the rate shall be nineteen cents for ethanol blended  
21 gasoline and twenty and three-tenths cents for motor  
22 fuel other than ethanol blended gasoline.

23 (4) If the distribution percentage is greater than  
24 sixty percent but not greater than sixty-five percent,  
25 the rate shall be nineteen cents for ethanol blended  
26 gasoline and twenty and five-tenths cents for motor  
27 fuel other than ethanol blended gasoline.

28 (5) If the distribution percentage is greater than  
29 sixty-five percent but not greater than seventy  
30 percent, the rate shall be nineteen cents for ethanol  
31 blended gasoline and twenty and seven-tenths cents for  
32 motor fuel other than ethanol blended gasoline.

33 (6) If the distribution percentage is greater than  
34 seventy percent but not greater than seventy-five  
35 percent, the rate shall be nineteen cents for ethanol  
36 blended gasoline and twenty-one cents for motor fuel  
37 other than ethanol blended gasoline.

38 (7) If the distribution percentage is greater than  
39 seventy-five percent but not greater than eighty  
40 percent, the rate shall be nineteen and three-tenths  
41 cents for ethanol blended gasoline and twenty and

42 eight-tenths cents for motor fuel other than ethanol  
43 blended gasoline.

44 (8) If the distribution percentage is greater than  
45 eighty percent but not greater than eighty-five  
46 percent, the rate shall be nineteen and five-tenths  
47 cents for ethanol blended gasoline and twenty and  
48 seven-tenths cents for motor fuel other than ethanol  
49 blended gasoline.

50 (9) If the distribution percentage is greater than

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1 eighty-five percent but not greater than ninety  
2 percent, the rate shall be nineteen and seven-tenths  
3 cents for ethanol blended gasoline and twenty and  
4 four-tenths cents for motor fuel other than ethanol  
5 blended gasoline.

6 (10) If the distribution percentage is greater  
7 than ninety percent but not greater than ninety-five  
8 percent, the rate shall be nineteen and nine-tenths  
9 cents for ethanol blended gasoline and twenty and one-  
10 tenth cents for motor fuel other than ethanol blended  
11 gasoline.

12 (11) If the distribution percentage is greater  
13 than ninety-five percent, the rate shall be twenty  
14 cents for ethanol blended gasoline and twenty cents  
15 for motor fuel other than ethanol blended gasoline.

16 1A. Except as otherwise provided in this section  
17 and in this division, after June 30, 2007, an excise  
18 tax of twenty cents is imposed on each gallon of motor  
19 fuel used for any purpose for the privilege of  
20 operating motor vehicles in this state.

21 Sec. 5. Section 452A.3, subsection 2, paragraph b,  
22 Code 2001, is amended by striking the paragraph.

23 Sec. 6. APPLICABILITY.

24 1. Notwithstanding section 452A.3, as amended in  
25 this Act, the excise tax imposed upon motor vehicle  
26 fuel, including ethanol blended gasoline, as provided  
27 in that section shall be the same as provided in that  
28 section on June 30, 2001, until July 1, 2002. The  
29 excise tax for the period beginning July 1, 2002, and  
30 ending June 30, 2003, and for each subsequent period,  
31 shall be based on a determination made by the  
32 department of revenue and finance as provided in  
33 section 452A.3, subsection 1.

34 2. The ethanol blended gasoline tax credits  
35 provided in sections 422.11C and 422.33 apply to tax  
36 years beginning on or after January 1, 2002. The  
37 department of revenue and finance shall perform  
38 functions, prior to the beginning of that tax year,  
39 necessary in order to implement the tax credits."

40 2. Title page, by striking lines 1 through 3, and

41 inserting the following: "An Act providing for taxes  
42 relating to ethanol blended gasoline, making penalties  
43 applicable, and providing for the Act's  
44 applicability."

SANDRA GREINER

**S-3494**

HOUSE AMENDMENT TO  
SENATE FILE 350

1 Amend Senate File 350, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting after line 8 the  
4 following:  
5 "Sec. \_\_\_\_ Section 321.20A, Code 2001, is amended  
6 to read as follows:  
7 321.20A CERTIFICATE OF TITLE -- COMMERCIAL  
8 VEHICLES.  
9 1. Notwithstanding other provisions of this  
10 chapter, the owner of a commercial vehicle subject to  
11 the proportional registration provisions of chapter  
12 326 may make application to the department or the  
13 appropriate county treasurer for a certificate of  
14 title. The application for certificate of title shall  
15 be made within thirty days of purchase or transfer and  
16 shall be accompanied by a ten dollar title fee and the  
17 appropriate use tax. The department or the county  
18 treasurer shall deliver the certificate of title to  
19 the owner if no security interest or encumbrance  
20 appears on the certificate or to the person holding  
21 the first security interest or encumbrance shown on  
22 the certificate of title.  
23 2. ~~A commercial vehicle~~ An owner of a commercial  
24 vehicle subject to the proportional registration  
25 provisions of chapter 326 who has a fleet of more than  
26 fifty commercial vehicles and who is issued a  
27 certificate of title under this section shall not be  
28 subject to registration fees until the commercial  
29 vehicle is driven or moved upon the highways. The  
30 registration fee due shall be prorated for the  
31 remaining unexpired months of the registration year.  
32 Ownership of the commercial vehicle shall not be  
33 transferred until registration fees have been paid to  
34 the department.  
35 ~~3. This section shall apply to owners with fleets~~  
36 ~~of more than fifty commercial vehicles based in Iowa~~  
37 ~~under the proportional registration provisions of~~  
38 ~~chapter 326. The original certificate of title shall~~  
39 ~~be delivered to the owner if no security interest or~~  
40 ~~encumbrance appears on the certificate; otherwise, the~~

41 certificate of title shall be delivered by the  
 42 department to the person holding the first security  
 43 interest or encumbrance as shown on the certificate of  
 44 title."

45 2. Page 1, by inserting after line 35 the  
 46 following:

47 "Sec. 101. Section 321.113, Code 2001, is amended  
 48 to read as follows:

49 321.113 AUTOMATIC REDUCTION.

50 1. The registration fee for a motor vehicle shall

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1 not be automatically reduced under this section unless  
 2 the registration fee is based on the value and weight  
 3 of the motor vehicle as provided in section 321.109,  
 4 subsection 1.

5 2. After ~~If~~ a motor vehicle is more than five  
 6 model years old, ~~that~~ the part of the registration fee  
 7 which ~~that~~ is based on the value of the vehicle shall  
 8 be:

9 Seventy-five ~~seventy-five~~ percent of the rate as  
 10 fixed when ~~the motor vehicle was new~~;

11 3. After ~~If~~ a motor vehicle is more than six model  
 12 years old, ~~the~~ the part of the registration fee ~~that is~~  
 13 based on the value of the vehicle shall be fifty  
 14 percent; ~~of the rate as fixed when the motor vehicle~~  
 15 was new.

16 After a motor vehicle is more than eight model  
 17 years old, ~~that~~ the part of the registration fee based on  
 18 the value of the vehicle shall be ten percent. Where  
 19 the ninth registration fee for a motor vehicle has  
 20 been computed and fixed by the department prior to  
 21 July 4, 1949, there shall be added to the registration  
 22 fee, in lieu of the ten percent provided for herein,  
 23 one dollar if such registration fee has been computed  
 24 and fixed at fifteen dollars or less and two dollars  
 25 if the registration fee has been computed and fixed at  
 26 more than fifteen dollars.

27 4. If a 1994 model year or newer motor vehicle is  
 28 nine model years old or older the registration fee is  
 29 thirty-five dollars. For purposes of determining the  
 30 portion of the registration fee under this subsection  
 31 that is based upon the value of the motor vehicle,  
 32 sixty percent of the registration fee is attributable  
 33 to the value of the vehicle.

34 5. a. If a 1993 model year or older motor vehicle  
 35 has been titled in the same person's name since the  
 36 vehicle was new or the title to the vehicle was  
 37 transferred prior to January 1, 2002, the part of the  
 38 registration fee that is based on the value of the  
 39 vehicle shall be ten percent of the rate as fixed when

40 the motor vehicle was new.

41 b. If the title of a 1993 or older motor vehicle  
 42 is transferred to a new owner or if such a motor  
 43 vehicle is brought into the state on or after January  
 44 1, 2002, the registration fee shall not be based on  
 45 the weight and list price of the motor vehicle, but  
 46 shall be as follows:

- 47 (1) For a motor vehicle that is model year 1969  
 48 or older:  
 49 .....\$ 16.00  
 50 (2) For a motor vehicle that is model year 1970

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- 1 through 1989:  
 2 .....\$ 23.00  
 3 (3) For a motor vehicle that is model year 1990  
 4 through 1993:  
 5 .....\$ 27.00

6 For purposes of determining the portion of the  
 7 registration fee under this paragraph "b" that is  
 8 based upon the value of the motor vehicle, sixty  
 9 percent of the registration fee is attributable to the  
 10 value of the value."

11 3. Page 9, by inserting after line 31 the  
 12 following:

13 "Sec. 102. Section 422.9, subsection 2, paragraph  
 14 g, Code 2001, is amended by striking the paragraph and  
 15 inserting in lieu thereof:

16 g. To the extent not otherwise included pursuant  
 17 to section 164 of the Internal Revenue Code, add the  
 18 amount of the annual registration fee paid for a motor  
 19 vehicle pursuant to section 321.113, subsection 4, or  
 20 section 321.113, subsection 5, paragraph "b", which is  
 21 based upon the value of the vehicle. For purposes of  
 22 this paragraph, sixty percent of the amount of the  
 23 registration fee is based upon the value of the motor  
 24 vehicle."

25 4. Page 9, by inserting after line 32 the  
 26 following:

27 "Sec. \_\_\_\_ EFFECTIVE DATE. Sections 101 and 102  
 28 of this Act, amending sections 321.113 and 422.9, take  
 29 effect January 1, 2002."

30 5. Title page, line 3, by inserting after the  
 31 word "permits," the following: "commercial vehicle  
 32 certificates of title,".

33 6. Title page, line 3, by inserting after the  
 34 word "permits," the following: "flat registration  
 35 fees for older vehicles,".

36 7. Title page, line 6, by inserting after the  
 37 word "transport" the following: ", and providing an  
 38 effective date".

- 39 8. By renumbering, relettering, or redesignating  
40 and correcting internal references as necessary.

**S-3495**

- 1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for economic development  
6 purposes, in".

PATRICK J. DELUHERY

**S-3496**

- 1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for homemaker-home health  
6 aide services, in".

JOE BOLKCOM

**S-3497**

- 1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for community empowerment  
6 areas, family support programs, programs for at-risk  
7 children, and other early childhood programs, in".

JOE BOLKCOM

**S-3498**

- 1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for the vision Iowa program  
6 established in section 15F.302, in".

ROBERT E. DVORSKY

**S-3499**

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for a program or purpose
- 6 which will draw down federal funding, in".

ROBERT E. DVORSKY

**S-3500**

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for sex offender registry
- 6 and treatment costs, in".

ROBERT E. DVORSKY

**S-3501**

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for the child protection
- 6 system, in".

ROBERT E. DVORSKY

**S-3502**

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and
- 4 inserting the following: "Except as necessary to
- 5 provide funding designated for class size reduction in
- 6 school programs, in".

BILL FINK

**S-3503**

- 1 Amend the amendment, S-3384, to House File 687, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 18, by striking the word "In" and

- 4 inserting the following: "Except as necessary to  
5 provide funding designated for teacher salaries, in".

MIKE CONNOLLY

**S-3504**

- 1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for community empowerment  
6 areas, family support programs, programs for at-risk  
7 children, and other early childhood programs, in".

MATT McCOY

**S-3505**

- 1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for the operation of adult  
6 correctional facilities, in".

MATT McCOY

**S-3506**

- 1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for the braille and sight  
6 saving school or the school for the deaf, in".

MICHAEL E. GRONSTAL

**S-3507**

- 1 Amend amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for lake dredging, in".

DENNIS H. BLACK

**S-3508**

- 1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for the center for  
6 excellence in fundamental plant sciences at Iowa state  
7 university of science and technology, in".

JOHNIE HAMMOND

**S-3509**

- 1 Amend amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for water quality  
6 activities, in".

DENNIS H. BLACK

**S-3510**

- 1 Amend amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for the university of  
6 northern Iowa, in".

PATRICIA HARPER

**S-3511**

- 1 Amend amendment S-3384 to House File 687, as passed  
2 by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding designated for foster care and other  
6 child welfare services, in".

STEVEN D. HANSEN

**S-3512**

- 1 Amend amendment S-3384 to House File 687, as passed  
2 by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to

5 provide funding for a budget adjustment for those  
6 school districts with declining enrollment, in".

MIKE CONNOLLY

**S-3513**

1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding for school on-time funding budget  
6 adjustments, in".

MIKE CONNOLLY

**S-3514**

1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, line 18, by striking the word "In" and  
4 inserting the following: "Except as necessary to  
5 provide funding for the establishment of the state  
6 percent of growth for purposes of the state school  
7 foundation program under section 257.8, in".

MATT McCOY

**S-3515**

1 Amend the amendment, S-3384, to House File 687, as  
2 passed by the House, as follows:  
3 1. Page 1, by inserting after line 2, the  
4 following:  
5 "\_\_\_\_. Page 1, by inserting before line 1 the  
6 following:  
7 "Section 1. Section 2.10, subsection 4, unnumbered  
8 paragraph 1, Code 2001, is amended to read as follows:  
9 The director of revenue and finance shall pay, from  
10 moneys appropriated to the general assembly pursuant  
11 to section 2.12, the travel and expenses of the  
12 members of the general assembly commencing with the  
13 first pay period after the names of such persons are  
14 officially certified. The salaries of the members of  
15 the general assembly shall be paid pursuant to any of  
16 the following alternative methods:  
17 Sec. \_\_\_\_\_. Section 2.10, subsection 6, Code 2001,  
18 is amended to read as follows:  
19 6. If a special session of the general assembly is  
20 convened, members of the general assembly shall  
21 receive, in addition to their annual salaries, the sum

22 of eighty-six dollars per day for each day the general  
 23 assembly is actually in special session, and the same  
 24 travel allowances and expenses as authorized by this  
 25 section which shall be payable from moneys  
 26 appropriated to the general assembly pursuant to  
 27 section 2.12. A member of the general assembly shall  
 28 receive the additional per diem, travel allowances and  
 29 expenses only for the days of attendance during a  
 30 special session.

31 Sec. \_\_\_\_ Section 2.11, unnumbered paragraph 1,  
 32 Code 2001, is amended to read as follows:

33 Each house of the general assembly may employ such  
 34 officers and employees as it ~~shall deem~~ deems  
 35 necessary for the conduct of its business. The  
 36 compensation of the chaplains, officers, and employees  
 37 of the general assembly shall be fixed by joint action  
 38 of the house and senate by resolution at the opening  
 39 of each session, or as soon ~~thereafter~~ after the  
 40 opening as conveniently can be done. Payment of the  
 41 compensation shall be from moneys appropriated to the  
 42 general assembly pursuant to section 2.12. Such  
 43 persons shall be furnished ~~by the state~~ such supplies  
 44 as may be necessary for the proper discharge of their  
 45 duties.

46 Sec. \_\_\_\_ Section 2.12, Code 2001, is amended to  
 47 read as follows:

48 2.12 EXPENSES OF GENERAL ASSEMBLY AND LEGISLATIVE  
 49 AGENCIES -- BUDGETS.

50 1. There is appropriated out of any funds in the

Page 2

1 ~~state treasury not otherwise appropriated a sum~~  
 2 ~~sufficient to pay for~~ The following expenses,  
 3 salaries, per diems, budgets, and other items shall be  
 4 paid from appropriations made to the general assembly  
 5 for these purposes:

6 a. For legislative printing and all current and  
 7 miscellaneous expenses of the general assembly,  
 8 authorized by either the senate or the house, ~~and the,~~  
 9 The director of revenue and finance shall issue  
 10 warrants for such items of expense upon requisition of  
 11 the president, majority leader, and secretary of the  
 12 senate or the speaker and chief clerk of the house.

13 b. ~~There is appropriated out of any funds in the~~  
 14 ~~state treasury not otherwise appropriated, such sums~~  
 15 as are necessary, for For each house of the general  
 16 assembly for the payment of any unpaid expense of the  
 17 general assembly incurred during or in the interim  
 18 between sessions of the general assembly, including  
 19 but not limited to salaries and necessary travel and  
 20 actual expenses of members, expenses of standing and

21 interim committees or subcommittees, and per diem or  
 22 expenses for members of the general assembly who serve  
 23 on statutory boards, commissions, or councils for  
 24 which per diem or expenses are authorized by law. The  
 25 director of revenue and finance shall issue warrants  
 26 for such items of expense upon requisition of the  
 27 president, majority leader, and secretary of the  
 28 senate for senate ~~expense~~ expenses or the speaker and  
 29 chief clerk of the house for house ~~expense~~ expenses.  
 30 ~~c. There is appropriated out of any funds in the~~  
 31 ~~state treasury not otherwise appropriated, such sums~~  
 32 ~~as are necessary for~~ For the renovation, remodeling,  
 33 or preparation of the legislative chambers,  
 34 legislative offices, or other areas or facilities used  
 35 or to be used by the legislative branch of government,  
 36 and for the purchase of legislative equipment and  
 37 supplies deemed necessary to properly carry out the  
 38 functions of the general assembly. The director of  
 39 revenue and finance shall issue warrants for such  
 40 items of expense, whether incurred during or between  
 41 sessions of the general assembly, upon requisition of  
 42 the president, majority leader, and secretary of the  
 43 senate for senate ~~expense~~ expenses or the speaker and  
 44 chief clerk of the house for house ~~expense~~ expenses.  
 45 ~~d. There is appropriated out of any funds in the~~  
 46 ~~state treasury not otherwise appropriated such sums as~~  
 47 ~~may be necessary for~~ For the fiscal year budgets of  
 48 the legislative service bureau, the legislative fiscal  
 49 bureau, the citizens' aide office and the computer  
 50 support bureau for salaries, support, maintenance, and

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1 miscellaneous purposes to carry out their statutory  
 2 responsibilities.  
 3 2. The director of revenue and finance shall issue  
 4 warrants for salaries, support, maintenance, and  
 5 miscellaneous purposes upon requisition by the  
 6 administrative head of each statutory agency. The  
 7 legislative service bureau, the legislative fiscal  
 8 bureau, the citizens' aide office, and the computer  
 9 support bureau shall submit their proposed budgets to  
 10 the legislative council not later than September 1 of  
 11 each year. The legislative council shall review and  
 12 approve the proposed budgets not later than December 1  
 13 of each year. The legislative council on behalf of  
 14 the general assembly shall propose a budget for the  
 15 general assembly for the payment of expenses,  
 16 salaries, per diems, and other items for which the  
 17 general assembly is required to pay. The proposed  
 18 budget shall include a budget for both houses of the  
 19 general assembly. The budget approved by the

20 legislative council for each of its statutory  
21 legislative agencies and its proposed budget for the  
22 general assembly shall be transmitted by the  
23 legislative council to the department of management on  
24 or before December 1 of each year for the fiscal year  
25 beginning July 1 of the following year. The  
26 department of management shall submit the approved  
27 budgets received from the legislative council to the  
28 governor for review and revision as necessary for  
29 inclusion in the governor's proposed budget for the  
30 succeeding fiscal year. The approved and proposed  
31 budgets developed by the legislative council shall  
32 also be submitted to the chairpersons of the  
33 committees on appropriations. ~~The committees on~~  
34 ~~appropriations may allocate from the funds~~  
35 ~~appropriated by this section the funds contained in~~  
36 ~~the approved budgets, or such other amounts as~~  
37 ~~specified, pursuant to a concurrent resolution to be~~  
38 ~~approved by both houses of the general assembly. The~~  
39 ~~director of revenue and finance shall issue warrants~~  
40 ~~for salaries, support, maintenance, and miscellaneous~~  
41 ~~purposes upon requisition by the administrative head~~  
42 ~~of each statutory legislative agency. If the~~  
43 ~~legislative council elects to change the approved~~  
44 ~~budget for a legislative agency prior to July 1, the~~  
45 ~~legislative council shall transmit the amount of the~~  
46 ~~budget revision to the department of management prior~~  
47 ~~to July 1 of the fiscal year, however, if the general~~  
48 ~~assembly approved the budget it cannot be changed~~  
49 ~~except pursuant to a concurrent resolution approved by~~  
50 ~~the general assembly.~~

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1 Sec. \_\_\_\_ Section 2.13, Code 2001, is amended to  
2 read as follows:  
3 2.13 ISSUANCE OF WARRANTS.  
4 The director of revenue and finance shall also  
5 issue to each officer and employee of the general  
6 assembly, during legislative sessions or interim  
7 periods, upon vouchers signed by the president,  
8 majority leader, and secretary of the senate or the  
9 speaker and chief clerk of the house, warrants for the  
10 amount due for services rendered. The warrants shall  
11 be paid ~~out of any moneys in the treasury not~~  
12 ~~otherwise appropriated from moneys appropriated to the~~  
13 general assembly pursuant to section 2.12.  
14 Sec. \_\_\_\_ Section 2.104, Code 2001, is amended to  
15 read as follows:  
16 2.104 BUDGET.  
17 Expenses of the computer support bureau shall be  
18 paid upon approval of the director of the bureau from

19 moneys appropriated to the general assembly pursuant  
 20 to section 2.12. The budget of the computer support  
 21 bureau for each fiscal year shall be prepared by the  
 22 director and submitted to the legislative council as as  
 23 provided in section 2.12.

24 Sec. \_\_\_\_ Section 2B.22, Code 2001, is amended to  
 25 read as follows:

26 2B.22 APPROPRIATION.

27 ~~There is hereby appropriated out of any money in~~  
 28 ~~the treasury not otherwise appropriated an amount~~  
 29 ~~sufficient to defray all~~ The expenses incurred in the  
 30 carrying out of the provisions of this chapter shall  
 31 be paid from moneys appropriated to the general  
 32 assembly pursuant to section 2.12."

33 2. Page 1, by inserting after line 22 the  
 34 following:

35 "\_\_\_\_. Page 10, by inserting after line 9, the  
 36 following:

37 "Sec. \_\_\_\_ Section 17A.8, subsection 3, Code 2001,  
 38 is amended to read as follows:

39 3. A committee member shall be paid the per diem  
 40 specified in section 2.10, subsection 5, for each day  
 41 in attendance and shall be reimbursed for actual and  
 42 necessary expenses. ~~There is appropriated from money~~  
 43 ~~in the general fund not otherwise appropriated an~~  
 44 ~~amount sufficient to pay~~ The costs incurred under this  
 45 section shall be paid from moneys appropriated to the  
 46 general assembly pursuant to section 2.12."

47 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

**S-3516**

1 Amend the amendment, S-3384, to House File 687, as  
 2 passed by the House, as follows:

3 1. Page 1, by inserting after 22 the following:

4 "\_\_\_\_. Page 10, by inserting after line 9 the  
 5 following:

6 "Sec. 100. PILOT PROJECT FOR REFUND OF PROCESSING  
 7 FEES.

8 1. As used in this section:

9 a. "Customer" means a person paying a fee as  
 10 provided in paragraph "c", as part of an application  
 11 for the issuance of a renewed license or certification  
 12 by a participating agency.

13 b. "Participating agency" means the Iowa  
 14 department of public health or the professional  
 15 licensing division of the department of commerce that  
 16 elects to participate in the pilot project as provided  
 17 in subsection 2.

18 c. "Processing fee" means a fee that is required

19 to be paid to a participating agency as follows:

20 (1) The Iowa department of public health for  
21 issuing a renewed emergency medical care provider  
22 certification pursuant to section 147A.6 for which a  
23 fee is required pursuant to rules adopted by the  
24 department under section 147A.4.

25 (2) The professional licensing division, for  
26 issuing any of the following:

27 (a) The renewal of a certificate of licensure as a  
28 professional engineer pursuant to section 542B.18 for  
29 which a fee is required pursuant to section 542B.30.

30 (b) The renewal of a license to practice as an  
31 accounting practitioner pursuant to section 542C.20  
32 for which a fee is required pursuant to section  
33 542C.15.

34 (c) The renewal of a license as a real estate  
35 broker or real estate salesperson pursuant to section  
36 543B.28 for which a fee is required pursuant to  
37 section 543B.27.

38 (d) The renewal of a certification as a real  
39 estate appraiser pursuant to section 543D.7 for which  
40 a fee is required pursuant to section 543D.6.

41 (e) The renewal of a certificate of registration  
42 as an architect pursuant to section 544A.10 for which  
43 a fee is required pursuant to section 544A.11.

44 (f) The renewal of a certificate of registration  
45 as a landscape architect pursuant to section 544B.13  
46 for which a fee is required pursuant to section  
47 544B.14.

48 2. The department of management in cooperation  
49 with a participating agency may establish a pilot  
50 project for the refund of all or a portion of

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1 processing fees paid by customers. The following  
2 shall apply to a participating agency:

3 a. The participating agency shall refund all or a  
4 portion of a processing fee to a customer if the  
5 participating agency fails to issue a license or  
6 certification in a manner and within a period of time  
7 customary for issuing similar licenses and  
8 certifications.

9 b. The participating agency is not required to  
10 refund any amount of a processing fee if the failure  
11 to issue a license or certification is primarily  
12 caused by the customer, including the customer's  
13 failure to comply with legal requirements, furnish a  
14 completed application or document, or cooperate with  
15 the participating agency as required by the  
16 participating agency.

17 3. Each participating agency shall adopt rules

18 pursuant to chapter 17A necessary in order to  
 19 administer this section. The participating agencies  
 20 shall cooperate in order to develop simple common  
 21 procedures for providing refunds, which may include a  
 22 uniform refund form. The agencies may cooperate with  
 23 the general assembly's joint oversight and  
 24 communications appropriations subcommittee or other  
 25 appropriate committee or subcommittee in carrying out  
 26 this section.

27 4. Each participating agency shall prepare a  
 28 report to the department of management. The report  
 29 shall analyze the administration of the pilot project,  
 30 including its effect on administrative efficiency, the  
 31 collection of revenue, and customer reactions. The  
 32 reports shall be delivered to the department of  
 33 management not later than November 1, 2002. The  
 34 department of management shall compile the reports and  
 35 include any findings or recommendations by the  
 36 department. The department's compiled report shall be  
 37 delivered to the governor and general assembly not  
 38 later than January 10, 2003."

39 \_\_\_\_\_. Page 10, by inserting after line 12 the  
 40 following:

41 "Sec. \_\_\_\_\_. Section 100 of this Act, enacting a  
 42 pilot project for refund of processing fees, is  
 43 repealed January 11, 2003.""

MICHAEL E. GRONSTAL

**S-3517**

1 Amend the amendment, S-3384, to House File 687, as  
 2 passed by the House, as follows:

3 1. Page 1, by inserting after line 2 the  
 4 following:

5 "\_\_\_\_. Page 1, by inserting before line 1 the  
 6 following:

7 "Section 1. SAVINGS ACCOUNT FUND APPROPRIATION.

8 There is appropriated from the general fund of the  
 9 state to the department of education for the fiscal  
 10 year beginning July 1, 2000, and ending June 30, 2001,  
 11 the following amount, or so much thereof as is  
 12 necessary, to be used for the purpose designated:

13 For deposit in the teacher compensation reform and  
 14 student achievement savings account fund created in  
 15 section 8.57B:

16 .....\$ 42,000,000

17 Notwithstanding section 8.33, moneys appropriated  
 18 in this section shall not revert at the close of the  
 19 fiscal year.""

20 2. Page 1, line 11, by inserting after the word  
 21 "limitation." the following: "The governor's budget

22 transmitted in accordance with section 8.21 shall  
 23 incorporate all other funds affecting directly or  
 24 indirectly the condition of the general fund of the  
 25 state, including but not limited to the funds created  
 26 in sections 8.55, 8.56, 8.57, 8.57A, and 8.57B."

27 3. Page 1, by inserting after line 22, the  
 28 following:

29 "\_\_\_\_. Page 4, by inserting before line 11 the  
 30 following:

31 "Sec. 75. NEW SECTION. 8.57B TEACHER  
 32 COMPENSATION REFORM AND STUDENT ACHIEVEMENT SAVINGS  
 33 ACCOUNT FUND.

34 1. A teacher compensation reform and student  
 35 achievement savings account fund is created as a  
 36 separate and distinct fund in the state treasury under  
 37 the control of the department of education. Moneys in  
 38 the fund in a fiscal year shall be used as directed by  
 39 the general assembly for teacher compensation reform  
 40 and student achievement activities approved by the  
 41 Seventy-ninth General Assembly, First Regular Session,  
 42 or by future general assemblies.

43 2. Revenue for the teacher compensation reform and  
 44 student achievement savings account fund shall be  
 45 deposited with the treasurer of state and credited to  
 46 the fund and shall include, but is not limited to,  
 47 moneys in the form of a devise, gift, bequest,  
 48 donation, federal or other grant, reimbursement,  
 49 repayment, judgment, transfer, payment, or  
 50 appropriation from any source intended to be used for

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1 the purposes of the fund.

2 3. Notwithstanding section 8.33, moneys  
 3 appropriated for deposit in the teacher compensation  
 4 reform and student achievement savings account fund  
 5 shall not revert but shall remain available for  
 6 expenditure as directed by the general assembly in  
 7 appropriations made from the fund."

8 \_\_\_\_\_. Page 10, by inserting after line 9 the  
 9 following:

10 "Sec. \_\_\_\_\_. EFFECTIVE DATE. Section 75 of this  
 11 Act, being deemed of immediate importance, takes  
 12 effect upon enactment.""

13 4. Page 1, by inserting after line 25 the  
 14 following:

15 "\_\_\_\_. Title page, line 5, by inserting after the  
 16 word "implementation" the following: "and including  
 17 an appropriation and effective date"."

BILL FINK

**S-3518**

1 Amend Senate File 524 as follows:  
2 1. Page 1, by inserting before line 1, the  
3 following:  
4 "Section 1. Section 123.183, Code 2001, is amended  
5 to read as follows:  
6 123.183 WINE GALLONAGE TAX AND RELATED FUNDS.  
7 1. In addition to the annual permit fee to be paid  
8 by each class "A" wine permittee, there a wine  
9 gallorage tax shall be levied and collected from each  
10 class "A" wine permittee on all wine manufactured for  
11 sale and sold in this state at wholesale and on all  
12 wine imported into this state for sale at wholesale  
13 and sold in this state at wholesale, a. ~~The rate of~~  
14 the wine gallorage tax of is one dollar and seventy-  
15 five cents for every each wine gallon and a like. The  
16 same rate shall apply for the fractional parts of a  
17 wine gallon. A ~~The wine gallorage~~ tax shall not be  
18 levied or collected on wine sold by one class "A" wine  
19 permittee to another class "A" wine permittee.  
20 2. a. Revenue ~~derived~~ collected from the wine  
21 gallorage tax collected on wine manufactured for sale  
22 and sold in this state shall be deposited in the wine  
23 gallorage tax fund hereby as created in this section.  
24 b. A wine gallorage tax fund is created in the  
25 office of the treasurer of state. Moneys deposited in  
26 the gallorage tax the fund are appropriated to the  
27 department of economic development as provided in  
28 section 15E.117. Moneys in the fund shall not revert  
29 to the general fund of the state without a specific  
30 appropriation by the general assembly are not subject  
31 to section 8.33.  
32 3. ~~All other~~ The revenue collected from the wine  
33 gallorage tax on wine imported into this state for  
34 sale at wholesale and sold in this state at wholesale  
35 shall be deposited as follows:  
36 a. On June 30 of each fiscal year fifty percent of  
37 the revenue collected from the wine gallorage tax on  
38 wine imported into this state at wholesale and sold in  
39 this state at wholesale that is in excess of the  
40 revenue collected from such tax as of June 30 for the  
41 previous fiscal year shall be deposited in the grape  
42 and wine development fund as created in section  
43 159B.5.  
44 b. The remaining revenue ~~derived~~ collected from  
45 the wine gallorage tax on wine imported into this  
46 state for sale at wholesale and sold in this state at  
47 wholesale shall be deposited in the liquor control  
48 fund established by created in section 123.53 and  
49 shall be transferred by the director of revenue and  
50 finance to the general fund of the state."

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- 1 2. Page 5, line 11, by inserting after the word
- 2 "fund." the following: "The fund shall include moneys
- 3 deposited into the fund from the wine gallonage tax as
- 4 provided in section 123.183."
- 5 3. Page 5, by inserting after line 21, the
- 6 following:
- 7 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 123.183, as
- 8 amended by this Act, takes effect on July 1, 2002."
- 9 4. Title page, line 2, by inserting after the
- 10 word "wine" the following: ", providing for tax
- 11 revenue and an appropriation, and providing an
- 12 effective date".
- 13 5. By renumbering as necessary.

BETTY A. SOUKUP  
DAVID MILLER

### S-3519

- 1 Amend House File 719, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 12, by striking the figure
- 4 "1,526,808" and inserting the following: "2,026,808".
- 5 2. Page 2, line 14, by striking the figure
- 6 "322,156" and inserting the following: "427,656".
- 7 3. Page 2, line 24, by striking the figure
- 8 "1,204,652" and inserting the following: "1,599,152".
- 9 4. Page 3, by striking lines 26 through 28, and
- 10 inserting the following: "pooled technology account
- 11 for allocation for the technology programs identified
- 12 for funding pursuant to section 5 of this Act. The
- 13 department of management shall annually report".
- 14 5. Page 4, by striking lines 11 through 13 and
- 15 inserting the following: "department of education for
- 16 transfer to the community college vocational-technical
- 17 technology improvement program authorized in chapter
- 18 260A."
- 19 6. Page 4, by striking lines 18 through 35 and
- 20 inserting the following: "the department of education
- 21 in continuing this initiative."
- 22 7. Page 5, by striking lines 8 through 14.
- 23 8. By striking page 5, line 15, and inserting the
- 24 following:
- 25 "f. The remaining amount in the pooled technology
- 26 account shall be allocated to the".
- 27 9. Page 5, line 22, by inserting after the word
- 28 "contract." the following: "This subsection shall not
- 29 apply to a technology purchase, lease, or contract
- 30 made or entered into by or on behalf of a community
- 31 college, the university of northern Iowa in developing

32 a twenty-first century learning initiative, or an  
 33 accredited nonpublic school pursuant to subsection 1,  
 34 paragraphs "a" through "c".  
 35 10. Page 6, line 9, by inserting after the word  
 36 "account." the following: "Of the funds appropriated  
 37 to the pooled technology account pursuant to this  
 38 subsection which remain after the deposit to the  
 39 general fund of the state specified in unnumbered  
 40 paragraph 2, \$624,000 shall be allocated to the  
 41 information technology department. Of this amount,  
 42 \$564,000 shall be utilized for lease-purchase costs  
 43 related to the justice data warehouse technology  
 44 project, and \$60,000 shall be transferred to the  
 45 division of criminal and juvenile justice planning of  
 46 the department of human rights for 1.00 FTE to provide  
 47 support for the justice data warehouse technology  
 48 project."  
 49 11. Page 6, by inserting after line 33 the  
 50 following:

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1 "Sec. \_\_\_\_ Section 14B.105, subsection 2,  
 2 paragraph f, Code 2001, is amended to read as follows:  
 3 f. Review the recommendations of the IowaAccess  
 4 advisory council regarding rates to be charged for  
 5 access to and for value-added services performed  
 6 through IowaAccess, ~~and make recommendations to the~~  
 7 ~~general assembly regarding such rates. A rate shall~~  
 8 ~~not be approved or charged unless approved by act of~~  
 9 ~~the general assembly. The information technology~~  
 10 ~~council shall report the establishment of a new rate~~  
 11 ~~or change in the level of an existing rate to the~~  
 12 ~~department of management, and the department of~~  
 13 ~~management shall notify the legislative fiscal bureau~~  
 14 ~~regarding the rate establishment or change.~~"  
 15 12. Page 7, line 6, by inserting after the word  
 16 "locations." the following: "All revenue derived from  
 17 a pilot project implemented pursuant to this  
 18 subsection shall be deposited into the pooled  
 19 technology account."  
 20 13. Page 7, by inserting after line 6 the  
 21 following:  
 22 "Sec. \_\_\_\_ Section 260A.1, subsection 1, Code  
 23 2001, is amended by striking the subsection and  
 24 inserting in lieu thereof the following:  
 25 1. Appropriations from the pooled technology  
 26 account may be used for the purposes authorized in the  
 27 community college vocational-technical technology  
 28 improvement program.  
 29 Sec. \_\_\_\_ Section 260A.2, Code 2001, is amended to  
 30 read as follows:

31 260A.2 COMMUNITY COLLEGE VOCATIONAL-TECHNICAL  
32 TECHNOLOGY IMPROVEMENT PLANS.

33 Prior to receiving moneys under this chapter, the  
34 board of directors of a community college shall adopt  
35 a technology plan that supports community college  
36 vocational-technical technology improvement efforts,  
37 authorizes a needs assessment of business and industry  
38 in the district, and includes an evaluation component,  
39 and shall provide to the department of education  
40 adequate assurance that funds received under this  
41 chapter will be used in accordance with the technology  
42 plan. The plan shall be developed by licensed  
43 professional staff of the community college, including  
44 both faculty members and school administrators, the  
45 private sector, trade and professional organizations,  
46 and other interested parties, and shall, at a minimum,  
47 focus on the attainment of the vocational-technical  
48 skills and achievement goals of the student. The plan  
49 shall consider the community college's  
50 interconnectivity with the Iowa communications

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1 network, and shall demonstrate how, ~~over a four-year~~  
2 ~~period~~, the board will utilize technology to improve  
3 vocational-technical student achievement. The  
4 technology plan shall be kept on file at the community  
5 college. Progress made under the plan shall be  
6 reported annually to the department of education in a  
7 manner prescribed by the department of education."

8 14. Page 7, line 11, by striking the word  
9 "documents" and inserting the following:  
10 "newsletters".

11 15. Page 7, line 12, by striking the word  
12 "document" and inserting the following: "newsletter".

13 16. Page 7, line 16, by striking the word  
14 "document" and inserting the following: "newsletter".

15 17. Page 7, line 19, by striking the word  
16 "documents" and inserting the following:  
17 "newsletters".

18 18. Page 7, line 23, by striking the word  
19 "documents" and inserting the following:  
20 "newsletters".

21 19. Page 9, line 29, by inserting after the word  
22 "issues." the following: "The objective of the study  
23 shall be to evaluate the viability of establishing the  
24 state of Iowa as a distance learning center. The  
25 study shall identify distance learning technology  
26 opportunities between interested agencies and entities  
27 involved in or potentially involved in distance  
28 learning activities, including but not limited to K-12  
29 schools, area education agencies, institutions of

30 higher learning, the public broadcasting division of  
 31 the department of education, the department of  
 32 education, the Iowa communications network, the  
 33 information technology department, and military and  
 34 private sector institutions or agencies."

35 20. Page 9, by inserting after line 31 the  
 36 following:

37 "Sec. \_\_\_\_ Section 260A.4, Code 2001, is  
 38 repealed."

39 21. Page 9, by striking line 32 and inserting the  
 40 following:

41 "Sec. \_\_\_\_ EFFECTIVE DATES. Section 5, subsection  
 42 4; and sections 9, 10, and 12 of this".

43 22. By renumbering, relettering, or redesignating  
 44 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS  
 JEFF LAMBERTI, Chair

### S-3520

1 Amend the House amendment, S-3494, to Senate File  
 2 350, as passed by the Senate as follows:

3 1. Page 3, line 10 by striking the words "value  
 4 of the value" and inserting the following: "value of  
 5 the vehicle".

MIKE SEXTON

### S-3521

1 Amend House File 718, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 4, line 13, by striking the figure  
 4 "409,161" and inserting the following: "435,278".

5 2. Page 5, line 16, by striking the figure  
 6 "396,035" and inserting the following: "421,314".

THOMAS FIEGEN  
 BETTY A. SOUKUP  
 MICHAEL E. GRONSTAL  
 ROBERT E. DVORSKY  
 PATRICIA HARPER  
 BILL FINK  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY

**S-3522**

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 22, by striking the figure
- 4 "377,156" and inserting the following: "401,230".
- 5 2. Page 2, line 28, by striking the figure
- 6 "3,503,826" and inserting the following: "3,627,474".

PATRICK J. DELUHERY  
 ROBERT E. DVORSKY  
 PATRICIA HARPER  
 BILL FINK  
 JOE BOLKCOM  
 MIKE CONNOLLY  
 MARK SHEARER  
 WALLY E. HORN  
 MATT McCOY  
 JACK HOLVECK

**S-3523**

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 14, line 6, by striking the words "Iowa
- 4 finance authority" and inserting the following:
- 5 "general fund of the state".
- 6 2. Page 14, by striking lines 17 through 22, and
- 7 inserting the following:

8 "Sec. \_\_\_\_ COMMUNITY DEVELOPMENT BLOCK GRANT  
 9 ACCOUNT. There is appropriated from the general fund  
 10 of the state to the department of economic development  
 11 for the fiscal year beginning July 1, 2001, and ending  
 12 June 30, 2002, the following amount, or so much  
 13 thereof as is necessary, to be used for the purpose  
 14 designated:

15 For deposit in the community development block  
 16 grant account to be used as state matching funds for  
 17 the federal HOME program:  
 18 .....\$ 1,200,000"  
 19 3. By renumbering as necessary.

JOE BOLKCOM  
 JACK HOLVECK  
 MARK SHEARER  
 MIKE CONNOLLY  
 PATRICK J. DELUHERY  
 WALLY E. HORN  
 MATT McCOY

**S-3524**

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 13, line 29, by striking the figure
- 4 "857,489", and inserting the following: "912,222".

ROBERT E. DVORSKY  
 JOHNIE HAMMOND  
 PATRICIA HARPER  
 JOE BOLKCOM  
 PATRICK J. DELUHERY  
 MARK SHEARER  
 JACK HOLVECK  
 BETTY A. SOUKUP  
 MICHAEL E. GRONSTAL

**S-3525**

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 3, by striking the figure
- 4 "400,000" and inserting the following: "631,680".

MARK SHEARER  
 BILL FINK  
 MIKE CONNOLLY  
 JACK HOLVECK  
 MICHAEL E. GRONSTAL  
 ROBERT E. DVORSKY  
 JOHNIE HAMMOND  
 PATRICIA HARPER  
 PATRICK J. DELUHERY

**S-3526**

- 1 Amend House File 718, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, line 34, by striking the figure
- 4 "3,290,446", and inserting the following:
- 5 "3,604,474".
- 6 2. Page 11, line 9, by striking the figure
- 7 "2,235,187", and inserting the following:
- 8 "2,478,147".

TOM FLYNN  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 JOE BOLKCOM  
 MARK SHEARER  
 JACK HOLVECK

DENNIS H. BLACK  
 BETTY A. SOUKUP  
 MICHAEL E. GRONSTAL  
 ROBERT E. DVORSKY  
 PATRICIA HARPER  
 BILL FINK

**S-3527**

1 Amend House File 718, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 8, line 14, by striking the figure  
 4 "1,147,192" and inserting the following: "1,220,417".  
 5 2. Page 8, line 20, by striking the figure  
 6 "362,155" and inserting the following: "385,271".  
 7 3. Page 8, line 26, by striking the figure  
 8 "4,205,662" and inserting the following: "4,474,108".  
 9 4. Page 9, line 29, by striking the figure  
 10 "320,560" and inserting the following: "341,021".  
 11 5. Page 9, line 34, by striking the figure  
 12 "259,262" and inserting the following: "275,811".  
 13 6. Page 10, line 16, by striking the figure  
 14 "166,249" and inserting the following: "176,861".  
 15 7. Page 10, line 22, by striking the figure  
 16 "711,672" and inserting the following: "757,098".

JOE BOLKCOM  
 ROBERT E. DVORSKY  
 EUGENE S. FRAISE  
 WALLY E. HORN  
 JOHN P. KIBBIE  
 MIKE CONNOLLY  
 PATRICK J. DELUHERY

**S-3528**

1 Amend House File 718, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 10, by striking the figure  
 4 "235,000", and inserting the following: "285,000".  
 5 2. Page 1, line 16, by striking the figure  
 6 "1,649,126", and inserting the following:  
 7 "1,699,126".  
 8 3. Page 1, by inserting after line 17 the  
 9 following:  
 10 "Of the moneys allocated for the world food prize,  
 11 \$50,000 shall be allocated for purposes of the world  
 12 food prize youth institute."  
 13 4. Page 2, line 1, by striking the figure  
 14 "4,487,342" and inserting the following: "4,437,342".  
 15 5. Page 17, by inserting after line 7, the

16 following:

17 "Sec. \_\_\_\_ Section 90A.12, subsection 1, Code  
18 2001, is amended to read as follows:

19 1. A person ~~age thirty-three years or older~~ shall  
20 not participate as a contestant in an organized  
21 amateur boxing contest unless each contestant  
22 participating in the contest ~~is age thirty-three years~~  
23 ~~or older meets the age requirements of USA boxing~~  
24 incorporated, or its successor organization. A birth  
25 certificate, or similar document validating the  
26 contestant's date of birth, must be submitted at the  
27 time of the prefight physical examination in order to  
28 determine eligibility."

29 6. Page 17, by inserting after line 7 the  
30 following:

31 "Sec. \_\_\_\_ Section 260F.6, Code 2001, is amended  
32 by adding the following new subsection:

33 NEW SUBSECTION. 3. Notwithstanding the  
34 requirements of this section, moneys in the job  
35 training fund may be used by a community college to  
36 conduct entrepreneur development and support  
37 activities."

38 7. By renumbering as necessary.

STEWART IVERSON, JR.  
MICHAEL E. GRONSTAL

### S-3529

1 Amend the House amendment, S-3335, to Senate File  
2 410 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, by striking lines 3 through 5.

JOHN P. KIBBIE

### S-3530

1 Amend Senate File 524 as follows:

2 1. Page 1, by inserting before line 1, the  
3 following:

4 "Section 1. Section 123.183, Code 2001, is amended  
5 to read as follows:

6 123.183 WINE GALLONAGE TAX AND RELATED FUNDS.

7 1. In addition to the annual permit fee to be paid  
8 by each class "A" wine permittee, ~~there a wine~~  
9 gallonage tax shall be levied and collected from each  
10 class "A" wine permittee on all wine manufactured for  
11 sale and sold in this state at wholesale and on all  
12 wine imported into this state for sale at wholesale  
13 and sold in this state at wholesale, ~~a. The rate of~~

14 the wine gallonage tax of is one dollar and seventy-  
 15 five cents for every each wine gallon and a like. The  
 16 same rate shall apply for the fractional parts of a  
 17 wine gallon. ~~A~~ The wine gallonage tax shall not be  
 18 levied or collected on wine sold by one class "A" wine  
 19 permittee to another class "A" wine permittee.

20 2. a. Revenue derived collected from the wine  
 21 gallonage tax collected on wine manufactured for sale  
 22 and sold in this state shall be deposited in the wine  
 23 gallonage tax fund hereby as created in this section.

24 b. A wine gallonage tax fund is created in the  
 25 office of the treasurer of state. Moneys deposited in  
 26 the gallonage tax the fund are appropriated to the  
 27 department of economic development as provided in  
 28 section 15E.117. Moneys in the fund shall not revert  
 29 to the general fund of the state without a specific  
 30 appropriation by the general assembly are not subject  
 31 to section 8.33.

32 3. All other The revenue collected from the wine  
 33 gallonage tax on wine imported into this state for  
 34 sale at wholesale and sold in this state at wholesale  
 35 shall be deposited as follows:

36 a. The revenue actually collected during each  
 37 fiscal year from the wine gallonage tax on wine  
 38 imported into this state at wholesale and sold in this  
 39 state at wholesale that is in excess of the revenue  
 40 estimated to be collected from such tax as last agreed  
 41 to by the state revenue estimating conference during  
 42 the previous fiscal year as provided in section 8.22A  
 43 shall be deposited in the grape and wine development  
 44 fund as created in section 159B.5. However, not more  
 45 than seventy-five thousand dollars from such tax shall  
 46 be deposited into the grape and wine development fund  
 47 during any fiscal year.

48 b. The remaining revenue derived collected from  
 49 the wine gallonage tax on wine imported into this  
 50 state for sale at wholesale and sold in this state at

Page 2

1 wholesale shall be deposited in the liquor control  
 2 fund established by created in section 123.53 and  
 3 shall be transferred by the director of revenue and  
 4 finance to the general fund of the state."

5 2. Page 5, line 11, by inserting after the word  
 6 "fund." the following: "The fund shall include moneys  
 7 deposited into the fund from the wine gallonage tax as  
 8 provided in section 123.183."

9 3. Title page, line 2, by inserting after the  
 10 word "wine" the following: "and providing for tax  
 11 revenue and an appropriation".

12 4. By renumbering as necessary.

MARY A. LUNDBY  
 DAVID MILLER  
 O. GENE MADDOX  
 JOANN JOHNSON  
 STEVE KING  
 JOHN P. KIBBIE  
 BILL FINK  
 JEFF LAMBERTI  
 E. THURMAN GASKILL  
 PAUL MCKINLEY  
 NANCY BOETTGER  
 MIKE CONNOLLY  
 BETTY A. SOUKUP  
 STEVEN D. HANSEN  
 TOM FLYNN

**S-3531**

- 1 Amend House File 719, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, line 18, by striking the figure
- 4 "295.4" and inserting the following: "256D.8".

MARY A. LUNDBY

**S-3532**

- 1 Amend the amendment, S-3519, to House File 719, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 14 through 48, and
- 5 inserting the following:
- 6 "\_\_\_\_. By striking page 3, line 31, through page
- 7 6, line 15, and inserting the following:
- 8 "Sec. 5. POOLED TECHNOLOGY ACCOUNT.
- 9 1. There is appropriated from the rebuild Iowa
- 10 infrastructure fund to the information technology
- 11 department for the fiscal year beginning July 1, 2001,
- 12 and ending June 30, 2002, the following amount, or so
- 13 much thereof as is necessary, to be used for the
- 14 purpose designated:
- 15 For deposit into the pooled technology account
- 16 established in the office of the treasurer of state
- 17 under the control of the information technology
- 18 department to be used for the purpose of supporting
- 19 various technology programs and improvements:
- 20 .....\$

18,000,000

- 21 2. The first allocation of moneys in the pooled
- 22 technology account shall be an allocation of
- 23 \$1,500,000 to the department of education for purposes
- 24 of making technology available to students of

25 accredited nonpublic schools in accordance with  
 26 section 11 of this Act.  
 27 3. Of the funds appropriated in this section, the  
 28 treasurer of state, with the approval of the director  
 29 of the department of management, is authorized to  
 30 enter into lease-purchase arrangements under section  
 31 12.28 for an enterprise resource planning system in an  
 32 amount, excluding finance costs, not greater than  
 33 \$37,300,000; a conversion of the Iowa communications  
 34 network to asynchronous transfer mode technology in an  
 35 amount, excluding finance costs, not greater than  
 36 \$10,500,000; and a conversion of transmission  
 37 facilities for digital television for Iowa public  
 38 television, in an amount, excluding finance costs, not  
 39 greater than \$23,500,000.  
 40 As required under section 12.28, subsection 6, the  
 41 general assembly authorizes the treasurer of state to  
 42 enter into lease-purchase arrangements of greater than  
 43 \$1,000,000 for each project. Annual payments for the  
 44 lease-purchase agreements shall be appropriated from  
 45 the pooled technology account. Gifts, grants, fees,  
 46 and other payments associated with these projects may  
 47 be deposited in the pooled technology account to be  
 48 applied to the annual payments for the lease-purchase  
 49 agreements.  
 50 4. A department or agency receiving pooled

Page 2

1 technology account funds shall consult with the  
 2 information technology department regarding any  
 3 technology purchase, lease, or contract, prior to  
 4 making a purchase or entering into a lease or  
 5 contract.""

ROBERT E. DVORSKY

### S-3533

1 Amend House File 719, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 5, line 17, by inserting after the word  
 4 "projects." the following: "Of the funds allocated in  
 5 this paragraph, the treasurer of state, with the  
 6 approval of the director of the department of  
 7 management, is authorized to enter into a lease-  
 8 purchase arrangement under section 12.28 for a  
 9 conversion of the Iowa communications network to  
 10 asynchronous transfer mode technology in an amount,  
 11 excluding finance costs, not greater than \$10,500,000.  
 12 As required under section 12.28, subsection 6, the  
 13 general assembly authorizes the treasurer of state to

14 enter into a lease-purchase arrangement of greater  
 15 than \$1,000,000 for this project. Annual payments for  
 16 the lease-purchase agreement shall be appropriated  
 17 from the pooled technology account. Gifts, grants,  
 18 fees, and other payments associated with this project  
 19 may be deposited in the pooled technology account to  
 20 be applied to the annual payments for the lease-  
 21 purchase agreement."

ROBERT E. DVORSKY

**S-3534**

1 Amend the House amendment, S-3377, to Senate File  
 2 458, as passed by the Senate, as follows:  
 3 1. Page 2, by striking lines 42 through 49, and  
 4 inserting the following:  
 5 "Sec. \_\_\_\_ CLIENT FINANCIAL PARTICIPATION. The  
 6 department of human services shall work with private  
 7 providers of psychiatric medical institution for  
 8 children (PMIC) services to eliminate or substantially  
 9 reduce the requirement that PMIC providers must  
 10 collect client financial participation in the cost of  
 11 services and during fiscal year 2001-2002 shall submit  
 12 to the governor and general assembly proposals to  
 13 achieve this purpose."  
 14 2. Page 3, by striking lines 2 through 6, and  
 15 inserting the following:  
 16 "NEW SUBSECTION. 3. Except for those psychiatric  
 17 medical institutions for children which are  
 18 specialized to provide substance abuse treatment,  
 19 unless expressly authorized in statute, the department  
 20 of human services shall not include services provided  
 21 by psychiatric medical institutions for children in  
 22 any managed care contract."  
 23 3. By renumbering as necessary.

MERLIN E. BARTZ

**S-3535**

HOUSE AMENDMENT TO  
 SENATE FILE 203

1 Amend Senate File 203, as passed by the Senate, as  
 2 follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 257.3, subsection 2, Code  
 6 2001, is amended to read as follows:  
 7 2. TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.

8 Notwithstanding subsection 1, a reorganized school  
 9 district shall cause a foundation property tax of four  
 10 dollars and forty cents per thousand dollars of  
 11 assessed valuation to be levied on all taxable  
 12 property which, in the year preceding a  
 13 reorganization, was within a school district affected  
 14 by the reorganization as defined in section 275.1, or  
 15 in the year preceding a dissolution was a part of a  
 16 school district that dissolved if the dissolution  
 17 proposal has been approved by the director of the  
 18 department of education pursuant to section 275.55.  
 19 In the year preceding the reorganization or  
 20 dissolution, the school district affected by the  
 21 reorganization or the school district that dissolved  
 22 must have had a certified enrollment of fewer than six  
 23 hundred in order for the four-dollar-and-forty-cent  
 24 levy to apply. In succeeding school years, the  
 25 foundation property tax levy on that portion shall be  
 26 ~~increased twenty cents per year until it reaches the~~  
 27 ~~rate of to the rate of four dollars and ninety cents~~  
 28 per thousand dollars of assessed valuation the first  
 29 succeeding year, five dollars and fifteen cents per  
 30 thousand dollars of assessed valuation the second  
 31 succeeding year, and five dollars and forty cents per  
 32 thousand dollars of assessed valuation the third  
 33 succeeding year and each year thereafter.

34 For purposes of this section, a reorganized school  
 35 district is one which ~~absorbed~~ absorbs at least thirty  
 36 percent of the enrollment of the school district  
 37 affected by a reorganization or dissolved during a  
 38 dissolution and in which action to bring about a  
 39 reorganization or dissolution ~~was initiated by a vote~~  
 40 ~~of the board of directors or jointly by the affected~~  
 41 ~~boards of directors prior to November 30, 1990, and~~  
 42 ~~the reorganization or dissolution takes is initiated~~  
 43 by a vote of the board of directors or jointly by the  
 44 affected boards of directors to take effect on or  
 45 after July 1, 1991 2002, and on or before July 1, 1993  
 46 2006. Each district which initiated, by a vote of the  
 47 board of directors or jointly by the affected boards,  
 48 action to bring about a reorganization or dissolution  
 49 ~~by November 30, 1990 to take effect on or after July~~  
 50 1, 2002, and on or before July 1, 2006, shall certify

Page 2

1 the date and the nature of the action taken to the  
 2 department of education by ~~September~~ January 1, 1991  
 3 of the year in which the reorganization or dissolution  
 4 takes effect.  
 5 ~~A reorganized school district which meets the~~  
 6 ~~requirements of this section for reduced property tax~~

7 rates, but failed to vote on reorganization or  
 8 dissolution prior to November 30, 1990, and failed to  
 9 certify such action to the department of education by  
 10 September 1, 1991, shall cause to be levied a  
 11 foundation property tax of four dollars and sixty  
 12 cents per thousand dollars of assessed valuation on  
 13 all eligible taxable property pursuant to this  
 14 section. In succeeding school years, the foundation  
 15 property tax levy on that portion shall be increased  
 16 twenty cents per year until it reaches the rate of  
 17 five dollars and forty cents per thousand dollars of  
 18 assessed valuation.

19 The reduced property tax rates of reorganized  
 20 school districts that met the requirements of section  
 21 442.2, Code 1991, prior to July 1, 1991, shall  
 22 continue to increase as provided in that section until  
 23 they reach five dollars and forty cents.

24 Sec. 2. Section 257.3, subsection 3, Code 2001, is  
 25 amended by striking the subsection.

26 Sec. 3. Section 257.3, subsection 4, Code 2001, is  
 27 amended to read as follows:

28 4. RAILWAY CORPORATIONS. For purposes of section  
 29 257.1, the "amount per pupil of foundation property  
 30 tax" does not include the tax levied under subsection  
 31 1, 2, or 3 on the property of a railway corporation,  
 32 or on its trustee if the corporation has been declared  
 33 bankrupt or is in bankruptcy proceedings.

34 Sec. 4. Section 257.4, subsection 3, Code 2001, is  
 35 amended to read as follows:

36 3. APPLICATION OF TAX. No later than June 15 of  
 37 each year, the department of management shall notify  
 38 the county auditor of each county the amount, in  
 39 dollars and cents per thousand dollars of assessed  
 40 value, of the additional property tax levy in each  
 41 school district in the county. A county auditor shall  
 42 spread the additional property tax levy for each  
 43 school district in the county over all taxable  
 44 property in the district.

45 Sec. 5. Section 257.11, subsection 2, paragraph c,  
 46 Code 2001, is amended by striking the paragraph and  
 47 inserting in lieu thereof the following:

48 c. Pupils attending class for all or a substantial  
 49 portion of a school day pursuant to a whole grade  
 50 sharing agreement executed under sections 282.10

Page 3

1 through 282.12 shall be eligible for supplementary  
 2 weighting pursuant to this subsection as follows:

3 (1) A school district which was participating in a  
 4 whole grade sharing arrangement during the budget year  
 5 beginning July 1, 2001, and which adopts a resolution

6 jointly with the other affected boards to study the  
7 question of undergoing a reorganization or dissolution  
8 to take effect on or before July 1, 2006, shall  
9 receive a weighting of one-tenth of the percentage of  
10 the pupil's school day during which the pupil attends  
11 classes in another district, attends classes taught by  
12 a teacher who is jointly employed under section  
13 280.15, or attends classes taught by a teacher who is  
14 employed by another school district. A district shall  
15 be eligible for supplementary weighting pursuant to  
16 this subparagraph for a maximum of two years. Receipt  
17 of supplementary weighting for a second year shall be  
18 conditioned upon submission of information resulting  
19 from the study to the school budget review committee  
20 indicating progress toward the objective of  
21 reorganization on or before July 1, 2006.

22 (2) A school district which was not participating  
23 in a whole grade sharing arrangement during the budget  
24 year beginning July 1, 2001, which executes a whole  
25 grade sharing agreement pursuant to sections 282.10  
26 through 282.12 for the budget year beginning July 1,  
27 2003, and which adopts a resolution jointly with the  
28 other affected boards to study the question of  
29 undergoing a reorganization or dissolution to take  
30 effect on or before July 1, 2006, shall receive a  
31 weighting of one-tenth of the percentage of the  
32 pupil's school day during which the pupil attends  
33 classes in another district, attends classes taught by  
34 a teacher who is jointly employed under section  
35 280.15, or attends classes taught by a teacher who is  
36 employed by another school district. A district shall  
37 be eligible for supplementary weighting pursuant to  
38 this subparagraph for a maximum of three years.  
39 Receipt of supplementary weighting for a second and  
40 third year shall be conditioned upon submission of  
41 information resulting from the study to the school  
42 budget review committee indicating progress toward the  
43 objective of reorganization on or before July 1, 2006.

44 Sec. 6. Section 257.11, Code 2001, is amended by  
45 adding the following new subsection:

46 NEW SUBSECTION. 4A. REGIONAL ACADEMIES.

47 a. For the school budget year beginning July 1,  
48 2002, and succeeding budget years, in order to provide  
49 additional funds for school districts in which a  
50 regional academy is located, a supplementary weighting

Page 4

- 1 plan for determining enrollment is adopted.
- 2 b. A school district which establishes a regional
- 3 academy shall be eligible to assign its resident
- 4 pupils attending classes at the academy a weighting of

5 one-tenth of the percentage of the pupil's school day  
6 during which the pupil attends classes at the regional  
7 academy. For the purposes of this subsection,  
8 "regional academy" means an educational institution  
9 established by a school district to which multiple  
10 schools send pupils in grades seven through twelve. A  
11 regional academy shall include in its curriculum  
12 advanced-level courses and may include in its  
13 curriculum vocational-technical programs. The maximum  
14 amount of additional weighting for which a school  
15 district establishing a regional academy shall be  
16 eligible is an amount corresponding to fifteen  
17 additional pupils.

18 Sec. 7. NEW SECTION. 257.11A SUPPLEMENTARY  
19 WEIGHTING AND SCHOOL REORGANIZATION.

20 1. In determining weighted enrollment under  
21 section 257.6, if the board of directors of a school  
22 district has approved a contract for sharing pursuant  
23 to section 257.11 and the school district has approved  
24 an action to bring about a reorganization to take  
25 effect on and after July 1, 2002, and on or before  
26 July 1, 2006, the reorganized school district shall  
27 include, for a period of three years following the  
28 effective date of the reorganization, additional  
29 pupils added by the application of the supplementary  
30 weighting plan, equal to the pupils added by the  
31 application of the supplementary weighting plan in the  
32 year preceding the reorganization. For the purposes  
33 of this paragraph, the weighted enrollment for the  
34 period of three years following the effective date of  
35 reorganization shall include the supplementary  
36 weighting in the base year used for determining the  
37 combined district cost for the first year of the  
38 reorganization. However, the weighting shall be  
39 reduced by the supplementary weighting added for a  
40 pupil whose residency is not within the reorganized  
41 district.

42 2. For purposes of this section, a reorganized  
43 district is one in which the reorganization was  
44 approved in an election pursuant to sections 275.18  
45 and 275.20 and takes effect on or after July 1, 2002,  
46 and on or before July 1, 2006. Each district which  
47 initiates, by a vote of the board of directors or  
48 jointly by the affected boards, action to bring about  
49 a reorganization or dissolution to take effect on or  
50 after July 1, 2002, and on or before July 1, 2006,

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1 shall certify the date and the nature of the action  
2 taken to the department of education by January 1 of  
3 the year in which the reorganization or dissolution

4 takes effect.

5 3. Notwithstanding subsection 1, a school district  
6 which was participating in a whole grade sharing  
7 arrangement during the budget year beginning July 1,  
8 2001, and which received a maximum of two years of  
9 supplementary weighting pursuant to section 257.11,  
10 subsection 2, paragraph "c", shall include additional  
11 pupils added by the application of the supplementary  
12 weighting plan, equal to the pupils added by the  
13 application of the supplementary weighting plan in the  
14 year preceding the reorganization, for a period of  
15 four years following the effective date of the  
16 reorganization.

17 4. A school district shall be eligible for a  
18 combined maximum total of six years of supplementary  
19 weighting under the provisions of this section and  
20 section 257.11, subsection 2, paragraph "c".

21 Sec. 8. Section 257.13, subsections 1 and 2, Code  
22 2001, are amended to read as follows:

23 1. For the school budget year beginning July 1,  
24 ~~2000~~ 2001, and succeeding budget years, if a  
25 district's actual enrollment for the budget year,  
26 determined under section 257.6, is greater than its  
27 budget enrollment for the budget year, the district  
28 shall be eligible to receive an on-time funding budget  
29 adjustment. The adjustment shall be in an amount  
30 equal to ~~fifty percent~~ of the difference between the  
31 actual enrollment for the budget year and the budget  
32 enrollment for the budget year, multiplied by the  
33 district cost per pupil.

34 2. The board of directors of a school district  
35 that wishes to receive an on-time funding budget  
36 adjustment shall adopt a resolution to receive the  
37 adjustment and notify the school budget review  
38 committee by November 1, ~~2000~~ annually. The school  
39 budget review committee shall establish a modified  
40 allowable growth in an amount determined pursuant to  
41 subsection 1.

42 Sec. 9. Section 257.14, subsection 1, Code 2001,  
43 is amended to read as follows:

44 1. For the budget year commencing July 1, ~~2000~~  
45 2001, if the department of management determines that  
46 the regular program district cost of a school district  
47 for a budget year is less than the total of the  
48 regular program district cost plus any adjustment  
49 added under this section for the base year for that  
50 school district, the school district shall be eligible

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1 to receive a budget adjustment for that district for  
2 that budget year up to an amount equal to the

3 difference. The board of directors of a school  
4 district that wishes to receive a budget adjustment  
5 pursuant to this subsection shall, notwithstanding the  
6 public notice and hearing provisions of chapter 24 or  
7 any other provision to the contrary, within thirty  
8 days following ~~April 6, 2000~~ the effective date of  
9 this Act, adopt a resolution to receive the budget  
10 adjustment and immediately notify the department of  
11 management of the adoption of the resolution and the  
12 amount of the budget adjustment to be received.

13 Sec. 10. Section 257.14, subsection 2, Code 2001,  
14 is amended by striking the subsection and inserting in  
15 lieu thereof the following:

16 2. For the budget year commencing July 1, 2002,  
17 and succeeding budget years, if the department of  
18 management determines that the regular program  
19 district cost of a school district for a budget year  
20 is less than one hundred one percent of the regular  
21 program district cost for the base year for that  
22 school district, a district shall be eligible for a  
23 budget adjustment corresponding to the following  
24 schedule:

25 a. For the budget year commencing July 1, 2002,  
26 the greater of the difference between the regular  
27 program district cost for the budget year and one  
28 hundred one percent of the regular program district  
29 cost for the base year, or ninety percent of the  
30 amount by which the budget guarantee as calculated for  
31 the budget year beginning July 1, 2001, exceeds the  
32 adjusted guarantee amount. For purposes of this  
33 paragraph, the "adjusted guarantee amount" means the  
34 amount which would be applicable for the budget year  
35 beginning July 1, 2002, if the budget guarantee were  
36 determined for that budget year as calculated for the  
37 budget year beginning July 1, 2001.

38 b. For the budget year commencing July 1, 2003,  
39 the greater of the difference between the regular  
40 program district cost for the budget year and one  
41 hundred one percent of the regular program district  
42 cost for the base year, or eighty percent of the  
43 amount by which the budget guarantee as calculated for  
44 the budget year beginning July 1, 2001, exceeds the  
45 adjusted guarantee amount. For purposes of this  
46 paragraph, the "adjusted guarantee amount" means the  
47 amount which would be applicable for the budget year  
48 beginning July 1, 2003, if the budget guarantee were  
49 determined for that budget year as calculated for the  
50 budget year beginning July 1, 2001.

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1 c. For the budget year commencing July 1, 2004,  
2 the greater of the difference between the regular  
3 program district cost for the budget year and one  
4 hundred one percent of the regular program district  
5 cost for the base year, or seventy percent of the  
6 amount by which the budget guarantee as calculated for  
7 the budget year beginning July 1, 2001, exceeds the  
8 adjusted guarantee amount. For purposes of this  
9 paragraph, the "adjusted guarantee amount" means the  
10 amount which would be applicable for the budget year  
11 beginning July 1, 2004, if the budget guarantee were  
12 determined for that budget year as calculated for the  
13 budget year beginning July 1, 2001.

14 d. For the budget year commencing July 1, 2005,  
15 the greater of the difference between the regular  
16 program district cost for the budget year and one  
17 hundred one percent of the regular program district  
18 cost for the base year, or sixty percent of the amount  
19 by which the budget guarantee as calculated for the  
20 budget year beginning July 1, 2001, exceeds the  
21 adjusted guarantee amount. For purposes of this  
22 paragraph, the "adjusted guarantee amount" means the  
23 amount which would be applicable for the budget year  
24 beginning July 1, 2005, if the budget guarantee were  
25 determined for that budget year as calculated for the  
26 budget year beginning July 1, 2001.

27 e. For the budget year commencing July 1, 2006,  
28 the greater of the difference between the regular  
29 program district cost for the budget year and one  
30 hundred one percent of the regular program district  
31 cost for the base year, or fifty percent of the amount  
32 by which the budget guarantee as calculated for the  
33 budget year beginning July 1, 2001, exceeds the  
34 adjusted guarantee amount. For purposes of this  
35 paragraph, the "adjusted guarantee amount" means the  
36 amount which would be applicable for the budget year  
37 beginning July 1, 2006, if the budget guarantee were  
38 determined for that budget year as calculated for the  
39 budget year beginning July 1, 2001.

40 f. For the budget year commencing July 1, 2007,  
41 the greater of the difference between the regular  
42 program district cost for the budget year and one  
43 hundred one percent of the regular program district  
44 cost for the base year, or forty percent of the amount  
45 by which the budget guarantee as calculated for the  
46 budget year beginning July 1, 2001, exceeds the  
47 adjusted guarantee amount. For purposes of this  
48 paragraph, the "adjusted guarantee amount" means the  
49 amount which would be applicable for the budget year  
50 beginning July 1, 2007, if the budget guarantee were

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1 determined for that budget year as calculated for the  
2 budget year beginning July 1, 2001.

3 g. For the budget year commencing July 1, 2008,  
4 the greater of the difference between the regular  
5 program district cost for the budget year and one  
6 hundred one percent of the regular program district  
7 cost for the base year, or thirty percent of the  
8 amount by which the budget guarantee as calculated for  
9 the budget year beginning July 1, 2001, exceeds the  
10 adjusted guarantee amount. For purposes of this  
11 paragraph, the "adjusted guarantee amount" means the  
12 amount which would be applicable for the budget year  
13 beginning July 1, 2008, if the budget guarantee were  
14 determined for that budget year as calculated for the  
15 budget year beginning July 1, 2001.

16 h. For the budget year commencing July 1, 2009,  
17 the greater of the difference between the regular  
18 program district cost for the budget year and one  
19 hundred one percent of the regular program district  
20 cost for the base year, or twenty percent of the  
21 amount by which the budget guarantee as calculated for  
22 the budget year beginning July 1, 2001, exceeds the  
23 adjusted guarantee amount. For purposes of this  
24 paragraph, the "adjusted guarantee amount" means the  
25 amount which would be applicable for the budget year  
26 beginning July 1, 2009, if the budget guarantee were  
27 determined for that budget year as calculated for the  
28 budget year beginning July 1, 2001.

29 i. For the budget year commencing July 1, 2010,  
30 the greater of the difference between the regular  
31 program district cost for the budget year and one  
32 hundred one percent of the regular program district  
33 cost for the base year, or ten percent of the amount  
34 by which the budget guarantee as calculated for the  
35 budget year beginning July 1, 2001, exceeds the  
36 adjusted guarantee amount. For purposes of this  
37 paragraph, the "adjusted guarantee amount" means the  
38 amount which would be applicable for the budget year  
39 beginning July 1, 2010, if the budget guarantee were  
40 determined for that budget year as calculated for the  
41 budget year beginning July 1, 2001.

42 j. For the budget year commencing July 1, 2011,  
43 and each budget year thereafter, the difference  
44 between the regular program district cost for the  
45 budget year and one hundred one percent of the regular  
46 program district cost for the base year.

47 For the purposes of this subsection, a school  
48 district shall be eligible to apply the eighty,  
49 seventy, sixty, fifty, forty, thirty, twenty, and ten  
50 percent provisions in paragraphs "b" through "i", only

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1 if the school district received a budget adjustment  
 2 for the budget year beginning July 1, 2002, based on  
 3 the ninety percent provision in paragraph "a".  
 4 The board of directors of a school district that  
 5 wishes to receive a budget adjustment pursuant to this  
 6 subsection shall adopt a resolution to receive the  
 7 budget adjustment and shall, by April 1, annually,  
 8 notify the department of management of the adoption of  
 9 the resolution and the amount of the budget adjustment  
 10 to be received.  
 11 Sec. 11. EFFECTIVE DATE. Sections 4 and 9 of this  
 12 Act, being deemed of immediate importance, take effect  
 13 upon enactment."  
 14 2. Title page, by striking lines 1 and 2 and  
 15 inserting the following: "An Act relating to certain  
 16 school finance provisions and providing an effective  
 17 date."

**S-3536**

1 Amend Senate File 524 as follows:  
 2 1. Page 2, line 8, by inserting after the word  
 3 "department." the following: "Appointments of voting  
 4 members are subject to the requirements of sections  
 5 69.16 and 69.16A. In addition, the appointments shall  
 6 be geographically balanced. Unless the secretary of  
 7 agriculture determines that it is not feasible, at  
 8 least one person appointed as a voting member shall  
 9 reside in each of the state's congressional districts  
 10 at the time of appointment."  
 11 2. Page 4, line 8, by inserting after the word  
 12 "wineries." the following: "To every extent feasible,  
 13 the programs shall provide assistance to persons  
 14 located in all regions of the state."

E. THURMAN GASKILL

**S-3537**

1 Amend Senate File 521 as follows:  
 2 1. By striking page 4, line 32 through page 5,  
 3 line 1, and inserting the following: "taxpayer is a  
 4 fiscal year filer, the claim shall be considered as a  
 5 claim for the following tax year."

LARRY McKIBBEN

**S-3538**

- 1 Amend Senate File 537 as follows:
- 2 1. Page 5, line 19, by striking the figure
- 3 "610,000" and inserting the following: "780,000".
- 4 2. Page 5, by inserting after line 34 the
- 5 following:
- 6 "e. Of the funds appropriated in this subsection,
- 7 \$170,000 is allocated to the third judicial district
- 8 department of correctional services to replace expired
- 9 federal funding for the juvenile drug court program.".

STEVEN D. HANSEN

**S-3539**

- 1 Amend Senate File 537 as follows:
- 2 1. Page 4, line 6, by striking the figure
- 3 "11,900,000" and inserting the following:
- 4 "11,825,000".
- 5 2. Page 5, by inserting after line 17, the
- 6 following:
- 7 "d. For provision of smoking cessation products as
- 8 provided in this paragraph:
- 9 .....\$ 75,000
- 10 The department shall award grants to free health
- 11 clinics that are tax-exempt organizations pursuant to
- 12 26 U.S.C. } 501 (c)(3) to fund the provision of
- 13 smoking cessation products to patients. The
- 14 department shall adopt a methodology for the awarding
- 15 of the grants to the health clinics based upon the
- 16 order of receipt of applications."
- 17 3. By renumbering as necessary.

MARY A. LUNDBY  
MARY E. KRAMER

**S-3540**

- 1 Amend the amendment, S-3440, to Senate File 516 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "RETROACTIVE".
- 5 2. Page 1, by striking lines 14 and 15 and
- 6 inserting the following: "applies to tax years
- 7 beginning on or after January 1, 2003."
- 8 3. Page 1, line 16, by striking the words "word
- 9 "a"" and inserting the following: "words "a
- 10 retroactive"".

THOMAS FIEGEN

**S-3541**

- 1 Amend the amendment, S-3442, to Senate File 521 as  
2 follows:
- 3 1. Page 1, line 4, by striking the word  
4 "RETROACTIVE".
  - 5 2. Page 1, by striking lines 14 and 15 and  
6 inserting the following: "applies to tax years  
7 beginning on or after January 1, 2003."
  - 8 \_\_\_\_\_. Title page, line 7, by striking the word  
9 "retroactive".

THOMAS FIEGEN

**S-3542**

- 1 Amend House File 719, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 8, line 18, by striking the figure  
4 "295.4" and inserting the following: "256D.8".
  - 5 2. Page 9, by inserting after line 9 the  
6 following:  
7 "4. Notwithstanding any other provision of this  
8 section, funds appropriated for the purposes of this  
9 section shall be allocated to school districts subject  
10 to the following:  
11 a. The maximum per pupil allocation to each  
12 accredited nonpublic school shall not exceed the per  
13 pupil level of technology funding for public school  
14 pupils pursuant to section 256D.6.  
15 b. An accredited nonpublic school shall prepare  
16 and submit to the department of education a technology  
17 plan consistent with the technology plan required  
18 pursuant to section 256D.7, subsection 1.  
19 c. Funding received pursuant to this section by an  
20 accredited nonpublic school shall supplement and not  
21 supplant current technology funding."

PATRICIA HARPER  
JOHNIE HAMMOND**S-3543**

- 1 Amend House File 719, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 5, by striking lines 1 through 4.
  - 4 2. By renumbering and relettering as necessary.

JOHNIE HAMMOND  
PATRICIA HARPER

**S-3544**

1 Amend Senate File 537 as follows:  
2 1. Page 1, line 19, by striking the figure  
3 "11,595,718" and inserting the following:  
4 "8,095,718".  
5 2. Page 1, lines 30 and 31, by striking the words  
6 "the medical assistance program" and inserting the  
7 following: "child and family services".  
8 3. Page 3, line 10, by striking the figure  
9 "4,000,000" and inserting the following: "7,500,000".  
10 4. Page 11, by inserting after line 35, the  
11 following:  
12 "Sec. \_\_\_\_ 2000 Iowa Acts, chapter 1221, section  
13 1, subsection 1, paragraph c, is amended to read as  
14 follows:  
15 c. To provide a cost-of-living adjustment for the  
16 fiscal year July 1, 2000, through June 30, 2001, of 5  
17 percent to rehabilitative treatment and support  
18 services providers ~~under the medical assistance~~  
19 program receiving child and family services  
20 reimbursements:  
21 .....\$ 3,100,000"

MARY E. KRAMER  
JOHNIE HAMMOND

**S-3545**

1 Amend House File 716, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, by inserting after line 3, the  
4 following:  
5 "Sec. \_\_\_\_ NEW SECTION. 214A.8A ETHANOL-BLENDED  
6 GASOLINE REQUIREMENT FOR FARM USE.  
7 1. As used in this section, unless the context  
8 otherwise requires:  
9 a. "Farm" means the same as defined in section  
10 190C.1.  
11 b. "Implement of husbandry" means the same as  
12 defined in section 321.1.  
13 2. A person shall not use an implement of  
14 husbandry that operates using a motor powered with  
15 gasoline on a farm, unless the motor is powered with  
16 ethanol blended gasoline."  
17 2. By renumbering as necessary.

DICK L. DEARDEN

**S-3546**

1 Amend the House amendment, S-3535, to Senate File  
2 203, as passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 9,  
4 line 13, and inserting the following:

5 "\_\_\_\_. Page 1, by inserting before line 1 the  
6 following:

7 "Sec. \_\_\_\_ Section 257.13, subsections 1 and 2,  
8 Code 2001, are amended to read as follows:

9 1. For the school budget ~~year~~ years beginning July  
10 1, ~~2000~~ 2001, and July 1, 2002, if a district's actual  
11 enrollment for the budget year, determined under  
12 section 257.6, is greater than its budget enrollment  
13 for the budget year, the district shall be eligible to  
14 receive an on-time funding budget adjustment. The  
15 adjustment shall be in an amount equal to ~~forty~~  
16 ~~percent of~~ the difference between the actual  
17 enrollment for the budget year and the budget  
18 enrollment for the budget year, multiplied by the  
19 district cost per pupil.

20 2. The board of directors of a school district  
21 that wishes to receive an on-time funding budget  
22 adjustment shall adopt a resolution to receive the  
23 adjustment and notify the school budget review  
24 committee by November 1, ~~2000~~ annually. The school  
25 budget review committee shall establish a modified  
26 allowable growth in an amount determined pursuant to  
27 subsection 1."

28 \_\_\_\_ Page 2, by inserting after line 1, the  
29 following:

30 "Sec. \_\_\_\_ REORGANIZATION INCENTIVES AND REGIONAL  
31 ACADEMIES -- INTERIM STUDY. The legislative council  
32 is requested to establish an interim study committee  
33 relating to the reauthorization of reorganization  
34 incentives for school districts and the establishment  
35 of regional academies.

36 The committee shall review the reorganization  
37 incentive provisions previously contained within the  
38 school finance formula applicable to school districts,  
39 and shall evaluate the effectiveness of those  
40 provisions in promoting the reorganization or  
41 dissolution of school districts. The committee shall  
42 consider possible enhancements and refinements to the  
43 provisions previously in effect, and shall make  
44 recommendations regarding implementation of the  
45 incentives, including supplementary weighting and  
46 taxpayer incentives in the form of a reduced  
47 foundation property tax levy.

48 The committee shall study the creation and  
49 implementation of regional academies as an alternative  
50 governing and taxing structure for school districts.

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1 The committee shall examine the feasibility of  
 2 creating and implementing a regional academy system,  
 3 with the objective of utilizing economies of scale to  
 4 enhance the educational opportunities of students in  
 5 grades seven through twelve residing within designated  
 6 regions.  
 7 The committee shall make recommendations regarding  
 8 boundary determination, curriculum content including  
 9 advanced-level and vocational-technical courses,  
 10 taxing authority, financial incentives to regional  
 11 academy formation, and adaptation of the school  
 12 finance formula to the new regional structure.  
 13 The committee shall consider transportation  
 14 provision and funding issues relating to and arising  
 15 out of its recommendations regarding the  
 16 reauthorization of reorganization incentives and the  
 17 establishment of regional academies.  
 18 The committee shall submit a report of its findings  
 19 and recommendations to the general assembly by January  
 20 14, 2002."  
 21 2. By renumbering as necessary.

NANCY BOETTGER

**S-3547**

- 1 Amend Senate File 537 as follows:  
 2 1. Page 7, by striking lines 4 through 14.  
 3 2. By striking page 9, line 7, through page 10,  
 4 line 15.  
 5 3. Page 11, by striking lines 14 through 35.  
 6 4. By renumbering as necessary.

STEVEN D. HANSEN

**S-3548**

1 Amend House File 692, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. NEW SECTION. 56.14A DISCLOSURES  
 6 RELATED TO POLITICAL TELEPHONE CALLS.  
 7 For the purposes of this section, unless the  
 8 context otherwise requires:  
 9 a. "Legitimate poll" means a telephone call  
 10 conducted by a polling firm for the purpose of a  
 11 scientific poll of respondents concerning public  
 12 opinion concerning a candidate, elected public

13 official, or ballot issue that is part of a series of  
14 like telephone calls that utilizes a scientific  
15 sampling technique to produce a random sample of  
16 interviewees.

17 b. "Political telemarketing" means the canvassing  
18 of persons under the guise of performing a poll or  
19 survey, with the purpose of encouraging support of, or  
20 opposition to, a clearly identified candidate for  
21 political office or the passage or defeat of a clearly  
22 identified ballot issue.

23 2. The general assembly finds that political  
24 telephone communication is increasingly used in  
25 political campaigns in this state in a deceptive  
26 manner, including but not limited to the use of  
27 political telemarketing, also known as push-polling,  
28 in which an anonymous telephone communication is  
29 designed to appear as a legitimate poll, but is in  
30 fact used as a vehicle to sway opinion through  
31 innuendo, by the communication of certain negative  
32 information related to a candidate or ballot issue in  
33 a manner designed to suggest that such information may  
34 be true. The general assembly declares that a  
35 compelling public interest exists to identify the  
36 source of funding of telephonic communications related  
37 to elections, in order to prevent corruption and  
38 deceit at the expense of the electorate and to  
39 preserve accountability for expenditures made in  
40 connection with political campaigns.

41 3. A candidate, or the authorized representative  
42 of a candidate or the candidate's committee, who  
43 engages either in a telephone communication for the  
44 purpose of soliciting contributions or engages in  
45 political telemarketing shall disclose all of the  
46 following by the end of the telephone call:

47 a. The identity of the individual who is calling  
48 and the entity with which the individual is  
49 affiliated, if any.

50 b. The individual or entity that paid for the

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1 telephone communication. If a committee has paid for  
2 or authorized the telephone communication, the name of  
3 the committee shall be disclosed. If any person other  
4 than the candidate or candidate's committee has paid  
5 for the telephone communication, the communication  
6 shall also state whether or not the communication has  
7 been authorized by the candidate intended to benefit  
8 from the communication.

9 c. The name, telephone number, and address of an  
10 individual whom the call recipient can contact for  
11 further information regarding the telephone

12 communication.

13 4. An individual who, on behalf of, at the  
14 direction of, or in cooperation with a political  
15 committee, state statutory political committee, or  
16 county statutory political committee engages either in  
17 a telephone communication for the purpose of  
18 soliciting contributions or engages in political  
19 telemarketing shall disclose all of the following by  
20 the end of the telephone call:

21 a. The identity of the individual who is calling  
22 and the entity with which the individual is  
23 affiliated, if any.

24 b. The individual or entity that paid for the  
25 telephone communication. If a committee has paid for  
26 or authorized the telephone communication, the name of  
27 the committee shall be disclosed. If any person other  
28 than the candidate or candidate's committee has paid  
29 for the telephone communication, the communication  
30 shall also state whether or not the communication has  
31 been authorized by the candidate intended to benefit  
32 from the communication.

33 c. The name, telephone number, and address of an  
34 individual whom the call recipient can contact for  
35 further information regarding the telephone  
36 communication.

37 5. An individual who, on behalf of, at the  
38 direction of, or in cooperation with any person other  
39 than a candidate's committee, political committee,  
40 state statutory political committee, or county  
41 statutory political committee, engages either in a  
42 telephone communication for the purpose of soliciting  
43 contributions or engages in political telemarketing  
44 shall disclose all of the following by the end of the  
45 telephone call:

46 a. The identity of the individual who is calling  
47 and the entity with which the individual is  
48 affiliated, if any.

49 b. The individual or entity that paid for the  
50 telephone communication. If a committee has paid for

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1 or authorized the telephone communication, the name of  
2 the committee shall be disclosed. If any person other  
3 than the candidate or candidate's committee has paid  
4 for the telephone communication, the communication  
5 shall also state whether or not the communication has  
6 been authorized by the candidate intended to benefit  
7 from the communication.

8 c. The name, telephone number, and address of an  
9 individual whom the call recipient can contact for  
10 further information regarding the telephone

11 communication.

12 6. Any person engaging in political telemarketing  
13 shall submit to the board at least twenty-four hours  
14 prior to commencing the initial phone call the  
15 following:

16 a. A copy of the political telemarketing script to  
17 be used by the political telemarketers during the  
18 political telemarketing telephone calls.

19 b. Information that is required to be disclosed  
20 under this section to persons receiving calls.

21 7. The board shall adopt rules pursuant to chapter  
22 17A establishing procedures to administer this  
23 section.

24 Sec. 2. NEW SECTION. 56.14B PUBLICATION OF  
25 CERTAIN FALSE STATEMENTS OF FACT CONCERNING CANDIDATE  
26 PROHIBITED.

27 1. It is the intent of the general assembly that  
28 campaigns for public office not be impeded by the  
29 publication of false statements and that members of  
30 the public have trust and confidence in the electoral  
31 process. The general assembly finds that the  
32 increasing use of false statements of fact aimed at  
33 candidates for public office impedes campaigns and  
34 diminishes the trust and confidence of the public in  
35 the electoral process. It is not the intent of the  
36 general assembly to lessen political debate that  
37 furthers the ability of the public to understand the  
38 issues and positions of candidates for public office.  
39 Rather, it is the intent of the general assembly to  
40 prohibit the use of false statements of fact that  
41 impede campaigns and diminish the public's trust and  
42 confidence in the electoral process. The general  
43 assembly declares that a compelling state interest  
44 exists in prohibiting the use of false statements of  
45 fact that impede campaigns for public office in Iowa  
46 and diminish the public's trust and confidence in the  
47 electoral process.

48 2. A person shall not, with actual malice, cause  
49 to be published a false statement of fact concerning a  
50 candidate for public office involving any of the

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1 following:

2 a. The education or training of the candidate.

3 b. The current profession or occupation of the  
4 candidate or any former profession or occupation of  
5 the candidate.

6 c. Whether the candidate committed, was indicted  
7 for committing, or was convicted of committing a crime  
8 punishable by law.

9 d. Whether the candidate was subject to discipline

10 or sanction by any body of the federal government,  
11 state government, or political subdivision of the  
12 state.

13 e. Whether the candidate has received treatment  
14 for a mental illness.

15 f. Whether another person endorses or opposes the  
16 candidate.

17 g. The record of voting of a candidate if the  
18 candidate serves or formerly served in an elected  
19 office.

20 3. Any candidate for public office who alleges  
21 that a false statement of fact concerning the  
22 candidate has been published in violation of this  
23 section may file a complaint or information to the  
24 board for possible board-initiated investigation.

25 4. If the board determines that a violation did  
26 occur, the board may impose any of the recommended  
27 actions under section 68B.32D, except the board shall  
28 not refer any complaint or supporting information of a  
29 violation of this section to the attorney general or  
30 any county attorney for prosecution.

31 5. The board shall give priority to any complaint  
32 or information for possible board-initiated  
33 investigation filed under this section over all other  
34 matters pending with the board.

35 6. As used in this section:

36 a. "Actual malice" means knowledge of the falsity  
37 of a statement or reckless disregard for whether a  
38 statement is true or false.

39 b. "Public office" means any state, county, city,  
40 school, or other office of a political subdivision of  
41 the state filled by election.

42 c. "Publish" means the act of printing, posting,  
43 broadcasting, mailing, speaking, or otherwise  
44 disseminating.

45 7. This section shall not preclude the filing of a  
46 civil action based on the same facts or event giving  
47 rise to a complaint filed with the board under this  
48 section.

49 8. Section 56.16, which applies criminal penalties  
50 for violations of chapter 56, shall not apply to

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1 violations of this section.

2 Sec. 3. NEW SECTION. 56.14C STATEMENT OF FAIR  
3 CAMPAIGN PRACTICES FOR STATE OFFICES.

4 The board shall prepare a statement of fair  
5 campaign practices to assist candidates in the proper  
6 conduct of political campaigns in accordance with this  
7 chapter. A copy of the statement shall be mailed to  
8 any incumbent state officeholder running for

9 reelection to that office and to any other individual  
 10 running for elected state office that has filed a  
 11 statement of organization for that office pursuant to  
 12 section 56.5. Any individual running for elected  
 13 office for county, city, school, or other political  
 14 subdivision may request a copy of the statement.  
 15 Candidates choosing to abide by the statement shall  
 16 sign and return the statement to the board.  
 17 Compliance with the provisions of the statement shall  
 18 be voluntary on the part of any candidate choosing to  
 19 sign and return the statement to the board. The  
 20 statement prepared by the board shall be adopted by  
 21 rule pursuant to chapter 17A.  
 22 Sec. 4. SEVERABILITY. If any section of this Act,  
 23 or any portion of any section of this Act, or the  
 24 application of the Act to any person or circumstance  
 25 is found unconstitutional, invalid, or otherwise  
 26 unenforceable by a court, the remaining sections or  
 27 portions of sections shall be given effect to the  
 28 fullest extent possible."  
 29 2. By renumbering, relettering, redesignating,  
 30 and correcting internal references as necessary.

ANDY McKEAN  
 JOHN P. KIBBIE

### S-3549

1 Amend the amendment, S-3546, to the House  
 2 amendment, S-3535, to Senate File 203, as passed by  
 3 the Senate, as follows:  
 4 1. Page 1, by inserting after line 29 the  
 5 following:  
 6 ""Sec. \_\_. Section 257.31, subsection 5, Code  
 7 2001, is amended by adding the following new  
 8 paragraph:  
 9 NEW PARAGRAPH. m. Unusual costs associated with  
 10 increased utility expenses over the level of utility  
 11 expenses incurred during the preceding or second  
 12 preceding school year. The committee shall consider  
 13 all requests received prior to July 1, 2001, pursuant  
 14 to this paragraph by no later than July 1, 2001."  
 15 2. By renumbering as necessary.

PATRICK J. DELUHERY  
 JOHNIE HAMMOND  
 ROBERT E. DVORSKY

**S-3550**

- 1 Amend House File 726, as amended, passed, and  
 2 reprinted by the House, as follows:
- 3 1. Page 12, line 30, by striking the figure  
 4 "45,538,702" and inserting the following:  
 5 "47,268,500".
- 6 2. Page 13, by inserting after line 31 the  
 7 following:  
 8 "f. In an effort to improve public understanding  
 9 of the budget of the Iowa veterans home, and to  
 10 adequately meet the needs of the residents of the Iowa  
 11 veterans home, it is the intent of the general  
 12 assembly that the Iowa veterans home shall submit a  
 13 report by December 1, 2001, to the fiscal committee of  
 14 the legislative council regarding the funds  
 15 appropriated to the Iowa veterans home in the previous  
 16 fiscal year, and any further information the fiscal  
 17 committee may request."
- 18 3. Page 14, line 13, by striking the words ", up  
 19 to" and inserting the following: "shall be used".
- 20 4. Page 14, line 14, by striking the words "the  
 21 following amount,"
- 22 5. Page 14, by striking lines 19 and 20, and  
 23 inserting the following: "preventive services, and  
 24 financial management services."
- 25 6. By renumbering, relettering, or redesignating  
 26 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS  
 JEFF LAMBERTI, Chair

**S-3551**

- 1 Amend House File 725, as amended, passed, and  
 2 reprinted by the House, as follows:
- 3 1. Page 6, by inserting after line 28, the  
 4 following:  
 5 "Sec. \_\_\_\_ WATER QUALITY PROTECTION FUND. There  
 6 is appropriated from the general fund of the state to  
 7 the department of natural resources for the fiscal  
 8 year beginning July 1, 2001, and ending June 30, 2002,  
 9 the following amount, or so much thereof as is  
 10 necessary, to be used for the purpose designated:  
 11 For deposit into the administration account of the  
 12 water quality protection fund as created in section  
 13 455B.183A in order for the department to carry out the  
 14 purposes of that account:

15 .....\$ 248,953"  
 16 2. By renumbering as necessary.

JOE BOLKCOM

**S-3552**

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 4, by striking the figure
- 4 "1,492,239" and inserting the following: "2,360,225".

JOE BOLKCOM

**S-3553**

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 21, by striking the figure
- 4 "1,082,743" and inserting the following: "1,200,138".

JOE BOLKCOM

**S-3554**

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 35, by striking the figure
- 4 "6,923,647" and inserting the following: "7,323,647".

JOE BOLKCOM

**S-3555**

- 1 Amend House File 725, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 20, by striking the figure
- 4 "996,627" and inserting the following: "1,309,874".
- 5 2. Page 4, line 28, by striking the figure
- 6 "4,612,753" and inserting the following: "5,212,753".
- 7 3. By striking page 7, line 16, through page 8,
- 8 line 7.
- 9 4. By renumbering as necessary.

BILL FINK  
 JOHNIE HAMMOND

**S-3556**

- 1 Amend House File 725, as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 4, line 4, by striking the figure
- 4 "5,983,100" and inserting the following: "6,483,100".

DENNIS H. BLACK

**S-3557**

- 1 Amend House File 725, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by striking lines 8 through 18.
- 4 2. By renumbering as necessary.

KITTY REHBERG

**S-3558**

HOUSE AMENDMENT TO  
SENATE FILE 526

- 1 Amend Senate File 526, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 2, by striking the words
- 4 "paragraphs" and inserting the following:
- 5 "paragraph".
- 6 2. Page 1, by striking lines 9 through 11.

**S-3559**

- 1 Amend House File 725, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 9, by striking the figure
- 4 "891,354" and inserting the following: "931,354".
- 5 2. Page 2, line 12, by striking the figure
- 6 "80,000" and inserting the following: "120,000".
- 7 3. Page 8, by striking lines 8 through 18.
- 8 4. By renumbering as necessary.

JOHNIE HAMMOND

**S-3560**

- 1 Amend House File 726, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 2 through 17 and
- 4 inserting the following:
- 5 "1. For aging programs and for salaries, support,
- 6 maintenance, and miscellaneous purposes, and for not
- 7 more than the following full-time equivalent
- 8 positions:

9 .....	\$ 5,065,411
---------	--------------

10 ..... FTEs 30.00  
 11 \_\_\_\_\_. Of the funds appropriated in this subsection,  
 12 not more than \$151,654 shall be used for area agencies  
 13 on aging administrative purposes for citizens of Iowa  
 14 over 60 years of age for case management."  
 15 2. By renumbering as necessary.

BETTY A. SOUKUP  
 DENNIS H. BLACK  
 JACK HOLVECK  
 MATT McCOY  
 MARK SHEARER  
 JOE BOLKCOM  
 BILL FINK  
 ROBERT E. DVORSKY  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 PATRICIA HARPER  
 MICHAEL E. GRONSTAL

**S-3561**

1 Amend House File 726, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 14, by inserting after line 26 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. LOW-INCOME HOME ENERGY ASSISTANCE  
 6 PROGRAM -- APPROPRIATION. There is appropriated from  
 7 the general fund of the state to the division of  
 8 community action agencies of the department of human  
 9 rights for the fiscal year beginning July 1, 2001, and  
 10 ending June 30, 2002, the following amount, or so much  
 11 thereof as necessary, to be used for the purpose  
 12 designated:  
 13 For the low-income home energy assistance program:  
 14 .....\$ 9,452,170"  
 15 2. Page 15, by inserting before line 2 the  
 16 following:  
 17 "Sec. 100. Section 455G.3, Code 2001, is amended  
 18 by adding the following new subsection:  
 19 NEW SUBSECTION. 6. There is appropriated from the  
 20 unassigned revenue fund administered by the Iowa  
 21 comprehensive petroleum underground storage tank fund  
 22 board to the division of community action agencies of  
 23 the department of human rights for the fiscal year  
 24 beginning July 1, 2000, and ending June 30, 2001,  
 25 three million dollars, to be used for the low-income  
 26 home energy assistance program."  
 27 3. Page 17, line 15, by inserting after the word  
 28 "drugs," the following: "and section 100 of this Act  
 29 amending section 455G.3".

30 4. Page 17, line 16, by striking the word "takes"  
 31 and inserting the following: "take".

ROBERT E. DVORSKY  
 PATRICK J. DELUHERY  
 MICHAEL E. GRONSTAL  
 BETTY A. SOUKUP  
 DENNIS H. BLACK  
 JACK HOLVECK  
 MATT McCOY  
 MARK SHEARER  
 THOMAS FIEGEN  
 MIKE CONNOLLY  
 JOE BOLKCOM  
 BILL FINK  
 PATRICIA HARPER

### S-3562

1 Amend House File 726, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, line 33, by striking the figure  
 4 "1,327,510" and inserting the following: "1,846,534".

JACK HOLVECK  
 PATRICIA HARPER  
 ROBERT E. DVORSKY

### S-3563

1 Amend House File 719, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 5, line 17, by inserting after the word  
 4 "projects." the following: "Of the funds allocated in  
 5 this paragraph, the treasurer of state, with the  
 6 approval of the director of the department of  
 7 management, is authorized to enter into a lease-  
 8 purchase arrangement under section 12.28 for a  
 9 conversion of transmission facilities for digital  
 10 television for Iowa public television, in an amount,  
 11 excluding finance costs, not greater than \$23,500,000.  
 12 As required under section 12.28, subsection 6, the  
 13 general assembly authorizes the treasurer of state to  
 14 enter into a lease-purchase arrangement of greater  
 15 than \$1,000,000 for this project. Annual payments for  
 16 the lease-purchase agreement shall be appropriated  
 17 from the pooled technology account. Gifts, grants,  
 18 fees, and other payments associated with this project  
 19 may be deposited in the pooled technology account to

20 be applied to the annual payments for the lease-  
21 purchase agreement."

JOE BOLKCOM

**S-3564**

1 Amend House File 726, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 12, line 31, by striking the figure  
4 "889.84" and inserting the following: "823.85".

MAGGIE TINSMAN  
JOANN JOHNSON  
JEFF LAMBERTI

**S-3565**

1 Amend House File 726, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 12, line 1, by striking the figure  
4 "725,000" and inserting the following: "1,498,074".

STEVEN D. HANSEN  
PATRICK J. DELUHERY

**S-3566**

1 Amend the amendment, S-3550, to House File 726, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 5, by striking the figure  
5 "47,268,500" and inserting the following:  
6 "47,640,013".  
7 2. Page 1, by striking lines 18 through 24 and  
8 inserting the following:  
9 "\_\_\_". Page 14, by striking lines 8 through 20 and  
10 inserting the following:  
11 "b. Gambling treatment program:  
12 All funds remaining in the gambling treatment fund  
13 after the appropriation in paragraph "a". Such funds  
14 shall be used for funding of administrative costs and  
15 to provide programs which may include, but are not  
16 limited to, outpatient and follow-up treatment for  
17 persons affected by problem gambling, rehabilitation  
18 and residential treatment programs, information and  
19 referral services, education and preventive services,

20 and financial management services.'"'

21 3. By renumbering as necessary.

TOM FLYNN  
PATRICK J. DELUHERY

**S-3567**

1 Amend the amendment, S-3519, to House File 719, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 19 through 21, and  
5 inserting the following:  
6 "\_\_\_". Page 4, by striking lines 18 through 35 and  
7 inserting the following: "the department of education  
8 in continuing this initiative. Of the funds allocated  
9 pursuant to this paragraph, \$250,000 shall be  
10 transferred to the legislative council to establish an  
11 office of distance learning. The objective of the  
12 office of distance learning shall be to establish the  
13 state of Iowa as a distance learning center. The  
14 legislative council shall be authorized to hire  
15 individuals for office staffing positions, which  
16 positions shall report to the legislative oversight  
17 committee. The office of distance learning may  
18 receive and utilize grants and other funds in addition  
19 to amounts appropriated pursuant to this paragraph.  
20 The office of distance learning shall identify and  
21 facilitate distance learning technology and  
22 applications between all interested agencies and  
23 entities involved or potentially involved in distance  
24 learning activities including, but not limited to, K-  
25 12 schools, area education agencies, institutions of  
26 higher learning, Iowa public television, the  
27 department of education, the Iowa communications  
28 network, the information technology department, and  
29 military and private sector institutions or agencies.  
30 Amounts which remain unallocated or unexpended at the  
31 close of the fiscal year shall revert to the pooled  
32 technology account for the support of technology  
33 programs in the succeeding fiscal year.'"'

34 2. Page 3, by striking lines 21 through 34, and  
35 inserting the following:  
36 "\_\_\_". Page 9, by striking lines 26 through 31."

STEVE KING  
MARY A. LUNDBY  
ROBERT E. DVORSKY

**S-3568**HOUSE AMENDMENT TO  
SENATE FILE 532

- 1 Amend Senate File 532, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 11, line 1, by inserting after the word  
4 "agreement." the following: "With respect to capital  
5 projects, it is the intent of the general assembly to  
6 fund capital projects that qualify as vertical  
7 infrastructure projects as defined in section 8.57,  
8 subsection 5, paragraph "c", to the extent practicable  
9 in any fiscal year and without limiting other  
10 qualifying capital expenditures considered and  
11 approved by a constitutional majority of each house of  
12 the general assembly and the governor."
- 13 2. Page 12, by inserting after line 27, the  
14 following:  
15 "Sec. \_\_\_\_ . RULES COMPLIANCE WITH THREE-FIFTHS.  
16 The senate and the house of representatives shall  
17 comply with any provision of law that requires a vote  
18 of at least three-fifths of the members of both  
19 chambers of the general assembly and approval by the  
20 governor, which requirement shall also be a  
21 requirement of the joint rules for the Seventy-ninth  
22 General Assembly."  
23 3. By renumbering as necessary.

**S-3569**

- 1 Amend House File 726, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 5, line 10, by striking the figure  
4 "10,602,737" and inserting the following:  
5 "10,932,737".

JOHNIE HAMMOND

**S-3570**

- 1 Amend House File 713, as passed by the House, as  
2 follows:
- 3 1. Page 3, line 22, by striking the words  
4 "issuance of" and inserting the following: "ordering  
5 the parties to execute".
- 6 2. Page 3, line 22, by inserting after the word  
7 "or" the following: "ordering".

COMMITTEE ON WAYS AND MEANS  
LARRY McKIBBEN, Chair

**S-3571**HOUSE AMENDMENT TO  
SENATE FILE 499

- 1 Amend Senate File 499, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 24, by striking the word "ten"  
4 and inserting the following: "five".
- 5 2. Page 1, line 26, by striking the word  
6 "fifteen" and inserting the following: "ten".
- 7 3. Page 1, line 32, by striking the word "ten"  
8 and inserting the following: "five".
- 9 4. Page 3, line 18, by striking the word "Thirty"  
10 and inserting the following: "Twenty".
- 11 5. Page 3, line 20, by striking the word "Forty"  
12 and inserting the following: "Thirty".
- 13 6. Page 3, line 22, by striking the word "Fifty"  
14 and inserting the following: "Forty".
- 15 7. Page 3, line 24, by striking the words "Fifty  
16 dollars plus five" and inserting the following:  
17 "Forty dollars plus two".
- 18 8. Page 3, line 31, by striking the word "Thirty"  
19 and inserting the following: "Twenty".
- 20 9. Page 3, line 33, by striking the word "Fifty"  
21 and inserting the following: "Forty".
- 22 10. Page 3, line 35, by striking the word  
23 "Seventy" and inserting the following: "Sixty".
- 24 11. Page 4, line 2, by striking the words  
25 "Seventy dollars plus five" and inserting the  
26 following: "Sixty dollars plus two".

**S-3572**

- 1 Amend House File 725, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 29, the  
4 following:  
5 "As a condition of the appropriation provided in  
6 this subsection, the department shall establish the  
7 amount of the handling fee as provided in section  
8 455C.2. The amount of the handling fee shall be one  
9 and one-half cents per container for the fiscal year  
10 beginning July 1, 2001, and ending June 30, 2002. The  
11 amount of the handling fee shall be two cents per  
12 container for each subsequent fiscal year."
- 13 2. Page 14, by inserting after line 26, the  
14 following:  
15 "Sec. \_\_\_\_. Section 455C.2, subsection 2, Code  
16 2001, is amended to read as follows:  
17 2. In addition to the refund value provided in

18 subsection 1 of this section, a dealer, or person  
 19 operating a redemption center who redeems empty  
 20 beverage containers or a dealer agent shall be  
 21 reimbursed a handling fee by the distributor required  
 22 to accept the empty beverage containers for an amount  
 23 ~~which is one cent per container~~ shall be established  
 24 by the department of natural resources. A dealer,  
 25 dealer agent, or person operating a redemption center  
 26 may compact empty metal beverage containers with the  
 27 approval of the distributor required to accept the  
 28 containers."

BILL FINK

**S-3573**

- 1 Amend the House amendment, S-3568, to Senate File
- 2 532, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 13 through 22.

JEFF LAMBERTI

**S-3574**

- 1 Amend House File 732, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 45, by inserting after line 17 the
- 4 following:
- 5 "Sec. \_\_\_. MENTAL ILLNESS SPECIAL SERVICES. There
- 6 is appropriated from the general fund of the state to
- 7 the department of human services for the fiscal year
- 8 beginning July 1, 2001, and ending June 30, 2002, the
- 9 following amount, or so much thereof as is necessary,
- 10 to be used for the purpose designated:

11 For mental illness special services:  
 12 .....\$ 121,220

13 1. The department and the Iowa finance authority  
 14 shall continue the financing for existing community-  
 15 based facilities and the financing for the development  
 16 of affordable community-based housing facilities. The  
 17 department shall assure that clients are referred to  
 18 the housing as it is developed.

19 2. The funds appropriated in this section are to  
 20 provide funds for construction and start-up costs to  
 21 develop community living arrangements to provide for  
 22 persons with mental illness who are homeless. These  
 23 funds may be used to match federal Stewart B. McKinney

24 Homeless Assistance Act grant funds."

25 2. By renumbering as necessary.

ROBERT E. DVORSKY  
JOHNIE HAMMOND

**S-3575**

1 Amend Senate File 538 as follows:

2 1. Page 2, by inserting after line 20, the  
3 following:

4 "Sec. 100. NEW SECTION. 422.12F INCOME TAX  
5 CHECKOFF FOR THE ARTS.

6 1. A person who files an individual or a joint  
7 income tax return with the department of revenue and  
8 finance under section 422.13 may designate one dollar  
9 or more to be paid to the Iowa arts checkoff fund as  
10 created in the arts division of the department of  
11 cultural affairs. If the refund due on the return or  
12 the payment remitted with the return is insufficient  
13 to pay the amount designated by the taxpayer to the  
14 Iowa arts checkoff fund, the amount designated shall  
15 be reduced to the remaining amount of the refund or  
16 the remaining amount remitted with the return. The  
17 designation of a contribution to the Iowa arts  
18 checkoff fund is irrevocable.

19 2. The director of revenue and finance shall draft  
20 the income tax form to allow for the designation of  
21 contributions to the Iowa arts checkoff fund on the  
22 tax return. The department of revenue and finance, on  
23 or before January 31, shall transfer the total amount  
24 designated on the tax form due in the preceding year  
25 to the Iowa arts checkoff fund. However, before a  
26 checkoff pursuant to this section shall be permitted,  
27 all liabilities on the books of the department of  
28 revenue and finance and accounts identified as owing  
29 under section 421.17 and the political contribution  
30 allowed under section 56.18 shall be satisfied.

31 3. The department of cultural affairs shall create  
32 the Iowa arts checkoff fund in the arts division of  
33 the department. Moneys in the fund are appropriated  
34 to the arts division of the department for purposes of  
35 supporting arts division activities and programming.

36 4. The department shall adopt rules to administer  
37 this section.

38 5. This section is subject to repeal under section  
39 422.12E."

40 2. Page 2, by striking line 21, and inserting the  
41 following:

42 "Sec. \_\_\_\_. APPLICABILITY. Sections 1 and 2 of  
43 this Act apply".

44 3. Page 2, line 23, by inserting after the word

45 "date." the following: "Section 100 of this Act is  
 46 applicable on January 1, 2004, for tax years beginning  
 47 on or after that date."  
 48 4. Title page, line 2, by inserting after the  
 49 word "fund," the following: "providing an Iowa  
 50 individual income tax checkoff for the arts,".

Page 2

1 5. Title page, line 3, by striking the words "a  
 2 retroactive applicability date" and inserting the  
 3 following: "retroactive and other applicability  
 4 dates".

MIKE CONNOLLY

**S-3576**

1 Amend House File 732 as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 36, by inserting after line 30, the  
 4 following:  
 5 "\_\_\_\_. Of the funds appropriated in this section,  
 6 the department shall use \$700,000 for day treatment  
 7 and aftercare services for juvenile females with  
 8 provider selection made through a request for  
 9 proposals process. The goal of providing the services  
 10 is to ensure permanency, safety, and self-sufficiency  
 11 for juvenile females."  
 12 2. By renumbering as necessary.

MAGGIE TINSMAN  
 JOHNIE HAMMOND

**S-3577**

1 Amend House File 732, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 24, line 21, by striking the figure  
 4 "8,400,000" and inserting the following:  
 5 "10,107,951".

JOHNIE HAMMOND  
 MICHAEL E. GRONSTAL  
 DENNIS H. BLACK  
 JACK HOLVECK  
 BETTY A. SOUKUP  
 MARK SHEARER  
 TOM FLYNN  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY

PATRICIA HARPER  
 ROBERT E. DVORSKY  
 EUGENE S. FRAISE  
 JOE BOLKCOM  
 JOHN P. KIBBIE  
 BILL FINK

**S-3578**

- 1 Amend House File 732 as follows:  
 2 1. Page 49, line 14, by striking the figure  
 3 "49,100,000" and inserting the following:  
 4 "51,600,000".  
 5 2. Page 49, line 15, by striking the figure  
 6 "2,128.50" and inserting the following: "2,182.66".  
 7 3. By striking page 49, line 26 through page 50,  
 8 line 6.

JOHNIE HAMMOND  
 MICHAEL E. GRONSTAL  
 DENNIS H. BLACK  
 JACK HOLVECK  
 TOM FLYNN  
 PATRICIA HARPER  
 ROBERT E. DVORSKY  
 EUGENE S. FRAISE  
 JOE BOLKCOM  
 JOHN P. KIBBIE  
 BILL FINK

**S-3579**

- 1 Amend House File 732, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 42, by inserting after line 29, the  
 4 following:  
 5 " \_\_\_. It is the intent of the general assembly  
 6 that one of the state mental health institutes under  
 7 this section be closed on or before January 1, 2002,  
 8 and that any funds remaining unobligated and  
 9 unencumbered under the appropriation in this section  
 10 for that state mental health institute be transferred  
 11 to the appropriation in this Act for child and family  
 12 services."  
 13 2. By renumbering as necessary.

JOHNIE HAMMOND  
 MICHAEL E. GRONSTAL  
 DENNIS H. BLACK  
 JACK HOLVECK  
 TOM FLYNN  
 PATRICIA HARPER

S-3580

1 Amend House File 732, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 53, by inserting after line 13 the  
4 following:

5 "Sec. \_\_. CHILD PROTECTION INITIATIVE.

6 1. Notwithstanding section 8.55, subsection 3,  
7 there is appropriated from the Iowa economic emergency  
8 fund, to the department of human services for the  
9 fiscal year beginning July 1, 2001, and ending June  
10 30, 2002, the following amounts, or so much thereof as  
11 is necessary, to be used for the purposes designated:

12 a. For supplementation of the appropriation made  
13 in this Act for child and family services in  
14 accordance with this lettered paragraph:

15 .....\$ 573,307

16 \_\_\_\_\_. Of the funds appropriated in this lettered  
17 paragraph, up to \$335,866 shall be used to implement a  
18 quality assurance team for child protection services  
19 and up to \$237,441 shall be used to provide training  
20 to mandatory reporters of child abuse and to provide  
21 consultation services with mandatory reporters to  
22 improve the appropriate reporting of child abuse.

23 b. For supplementation of the appropriation made  
24 in this Act for field operations for additional social  
25 workers and social worker supervisors in order to  
26 reduce or prevent future occurrences of child abuse,  
27 including salaries, support, maintenance,  
28 miscellaneous purposes, worker training, and reduction  
29 of caseload per worker and for not more than the  
30 following full-time equivalent positions:

31 .....\$ 4,883,486  
32 ..... FTEs 44.00

33 2. In addition to the full-time equivalent  
34 positions authorized in the appropriation made in this  
35 Act for general administration, the department is  
36 authorized 7.00 FTEs."

JOHNIE HAMMOND  
BETTY A. SOUKUP  
PATRICIA HARPER  
THOMAS FIEGEN  
MARK SHEARER  
ROBERT E. DVORSKY  
TOM FLYNN  
EUGENE S. FRAISE  
JOHN P. KIBBIE  
MIKE CONNOLLY  
PATRICK J. DELUHERY  
JOE BOLKCOM  
JACK HOLVECK

MICHAEL E. GRONSTAL  
DICK L. DEARDEN  
MATT McCOY  
WALLY E. HORN  
BILL FINK  
STEVEN D. HANSEN  
DENNIS H. BLACK

**S-3581**

- 1 Amend House File 732, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 22, by striking the figure
- 4 "731,000" and inserting the following: "1,231,000".
- 5 2. By striking page 5, line 19, through page 6,
- 6 line 26.
- 7 3. By striking page 60, line 32, through page 61,
- 8 line 13.
- 9 4. By renumbering as necessary.

JOHNIE HAMMOND  
PATRICIA HARPER  
MARK SHEARER  
BETTY A. SOUKUP  
JACK HOLVECK

**S-3582**

- 1 Amend House File 732, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, by inserting after line 26, the
- 4 following:
- 5 "18. The department shall report on or before
- 6 December 15, 2001, to the governor and to the persons
- 7 designated by this Act to receive reports providing a
- 8 detailed analysis as to how federal temporary
- 9 assistance for needy families block grant funding was
- 10 expended during the previous fiscal year to achieve
- 11 the four purposes for the funding as outlined in 42
- 12 U.S.C. } 601(a). For each category of expenditure,
- 13 the analysis shall identify which of the four purposes
- 14 was addressed and the amount expended."
- 15 2. Page 12, by inserting after line 15, the
- 16 following:
- 17 "d. For the food stamp employment and training
- 18 program:
- 19 ..... \$ 150,000"
- 20 3. Page 29, by striking lines 10 through 12.
- 21 4. Page 38, by striking lines 5 and 6 and
- 22 inserting the following:
- 23 "Sec. 17. COMMUNITY-BASED PROGRAMS.

- 24 There is appropriated from the general fund of".
- 25 5. Page 62, by striking lines 11 through 18, and
- 26 inserting the following:
- 27 "b. The department of inspections and appeals may
- 28 provide access to the single contact repository
- 29 established under section 135C.33, subsection 6, for
- 30 criminal and abuse history checks made by those
- 31 employers, agencies, and other persons that are
- 32 authorized access to child abuse information under
- 33 section 235A.15 and are required by law to perform
- 34 such checks."
- 35 6. Page 65, by inserting after line 30 the
- 36 following:
- 37 "2. Upon submission to the persons designated by
- 38 this Act for receiving reports of a report describing
- 39 the transfers being made, the department may transfer
- 40 up to \$2,500,000 to the appropriation in this Act for
- 41 general administration from moneys that are budgeted
- 42 for purchase of equipment in other appropriations made
- 43 to the department in this Act."
- 44 7. By striking page 66, line 31 through page 67,
- 45 line 1.
- 46 8. By renumbering as necessary.

KEN VEENSTRA

### S-3583

- 1 Amend Senate File 476 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. INTENT. It is the intent of the
- 5 general assembly to create a student achievement and
- 6 teacher quality program that acknowledges that
- 7 outstanding teachers are a key component in student
- 8 success. The program's goals are to enhance student
- 9 achievement and to redesign compensation strategies
- 10 and teachers' professional development. Such
- 11 compensation strategies are designed to attract and
- 12 retain high performing teachers, to reward teachers
- 13 for improving their skills and knowledge in a manner
- 14 that translates into better student learning, and to
- 15 reward the staff of school attendance centers for
- 16 improvement in student achievement.
- 17 Sec. 2. **NEW SECTION. 284.1 STUDENT ACHIEVEMENT**
- 18 **AND TEACHER QUALITY PROGRAM.**
- 19 A student achievement and teacher quality program
- 20 is established to promote high student achievement.
- 21 The program shall consist of the following four major
- 22 elements:
- 23 1. Mentoring and induction programs that provide
- 24 support for beginning teachers in accordance with

25 sections 284.5 and 284.6.

26 2. Career paths with compensation levels that  
27 strengthen Iowa's ability to recruit and retain  
28 teachers.

29 3. Professional development designed to directly  
30 support best teaching practices.

31 4. Team-based variable pay that provides  
32 additional compensation when student performance  
33 improves.

34 Sec. 3. NEW SECTION. 284.2 DEFINITIONS.

35 As used in this chapter, unless the context  
36 otherwise requires:

37 1. "Beginning teacher" means an individual serving  
38 under an initial provisional or conditional license,  
39 issued by the board of educational examiners under  
40 chapter 272, who is assuming a position as a classroom  
41 teacher.

42 2. "Classroom teacher" means an individual who  
43 holds a valid practitioner's license and who is  
44 employed under a teaching contract with a school  
45 district or area education agency in this state to  
46 provide classroom instruction to students.

47 3. "Comprehensive evaluation" means a summative  
48 evaluation of a teacher conducted by an evaluator for  
49 purposes of performance review, or recommendation for  
50 licensure based upon models developed pursuant to

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1 section 256.9, subsection 51, and to determine whether  
2 the teacher's practice meets the school district  
3 expectations for a career, career II, or advanced  
4 level.

5 4. "Department" means the department of education.

6 5. "Director" means the director of the department  
7 of education.

8 6. "Evaluator" means an administrator or other  
9 practitioner who successfully completes an evaluator  
10 training program pursuant to section 284.10.

11 7. "Mentor" means an individual employed by a  
12 school district or area education agency as a  
13 classroom teacher who holds a valid license issued  
14 under chapter 272. The individual must have a record  
15 of four years of successful teaching practice, must be  
16 employed as a classroom teacher on a nonprobationary  
17 basis, and must demonstrate professional commitment to  
18 both the improvement of teaching and learning and the  
19 development of beginning teachers.

20 8. "School board" means the board of directors of  
21 a school district or a collaboration of boards of  
22 directors of school districts.

23 9. "State board" means the state board of

24 education.

25 10. "Teacher" means an individual holding a  
26 practitioner's license issued under chapter 272, who  
27 is employed as a teacher, librarian, media specialist,  
28 or counselor in a nonadministrative position by a  
29 school district or area education agency pursuant to a  
30 contract issued by a board of directors under section  
31 279.13. A teacher may be employed in both an  
32 administrative and a nonadministrative position by a  
33 board of directors and shall be considered a part-time  
34 teacher for the portion of time that the teacher is  
35 employed in a nonadministrative position. "Teacher"  
36 includes a licensed individual employed on a less than  
37 full-time basis by a school district through a  
38 contract between the school district and an  
39 institution of higher education with a practitioner  
40 preparation program in which the licensed teacher is  
41 enrolled.

42 Sec. 4. NEW SECTION. 284.3 IOWA TEACHING  
43 STANDARDS.

44 1. For purposes of this chapter and for developing  
45 teacher evaluation criteria under chapter 279, the  
46 Iowa teaching standards are as follows:

- 47 a. Demonstrates ability to enhance academic  
48 performance in the classroom.
- 49 b. Demonstrates competence in content knowledge  
50 appropriate to the teaching position.

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- 1 c. Demonstrates competence in planning and  
2 preparing for instruction.
- 3 d. Uses strategies to deliver instruction that  
4 meets the multiple learning needs of students.
- 5 e. Uses a variety of methods to monitor student  
6 learning.
- 7 f. Demonstrates competence in classroom  
8 management.
- 9 g. Engages in professional growth.
- 10 h. Fulfills professional responsibilities  
11 established by the school district.
- 12 2. The school board and faculty shall collaborate  
13 to further define good teaching by enhancing the Iowa  
14 teaching standards in the following manner:
  - 15 a. For purposes of comprehensive evaluations for  
16 beginning teachers, including the comprehensive  
17 evaluation required for the beginning teacher to  
18 progress to career teacher, the criteria shall be  
19 based upon models developed pursuant to section 256.9,  
20 subsection 51, and established pursuant to chapter 20.
  - 21 b. For purposes of comprehensive evaluations for  
22 teachers other than beginning teachers, the school

23 board shall convene the members of the school board  
 24 and representatives of the faculty, elected by the  
 25 faculty, to establish criteria based upon the model  
 26 developed pursuant to section 256.9, subsection 51.  
 27 If the parties are unable to reach agreement by July  
 28 1, 2003, however, the model criteria shall become the  
 29 school district's criteria. These criteria shall be  
 30 in addition to criteria otherwise agreed to under  
 31 chapter 20.

32 Sec. 5. NEW SECTION. 284.4 PARTICIPATION.

33 1. A school district is eligible to receive moneys  
 34 appropriated for purposes specified in this chapter if  
 35 the school board applies to the department to  
 36 participate in the student achievement and teacher  
 37 quality program and submits a written statement  
 38 declaring the school district's willingness to do all  
 39 of the following:

- 40 a. Commit and expend local moneys to improve  
 41 student achievement and teacher quality.
- 42 b. Implement a beginning teacher mentoring and  
 43 induction program as provided in this chapter.
- 44 c. Provide, beginning in the second year of  
 45 participation, the equivalent of two or more contract  
 46 days, outside of instruction time, than provided in  
 47 the school year preceding the first year of  
 48 participation, to provide additional time for teacher  
 49 career development that aligns with student learning  
 50 and teacher development needs in order to achieve

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- 1 attendance center and districtwide student achievement
- 2 goals outlined in the district comprehensive school
- 3 improvement plan. School districts are encouraged to
- 4 develop strategies for restructuring the school
- 5 calendar to provide for the most effective
- 6 professional development. A school district that
- 7 provides the equivalent of ten or more contract days
- 8 for career development is exempt from this paragraph.
- 9 d. Adopt a teacher career development program in
- 10 accordance with this chapter.
- 11 e. Adopt a teacher evaluation plan that, at
- 12 minimum, requires a comprehensive evaluation of
- 13 teachers in the participating district at least every
- 14 five years based upon the Iowa teaching standards and
- 15 requires administrators to complete evaluator training
- 16 in accordance with section 284.10.
- 17 f. Adopt teacher career paths based upon
- 18 demonstrated knowledge and skills in accordance with
- 19 this chapter.
- 20 g. Adopt a team-based variable pay plan that
- 21 rewards attendance center success upon the

22 implementation of a statewide variable pay plan.

23 2. By July 1, 2003, each school district shall  
24 participate in the student achievement and teacher  
25 quality program.

26 Sec. 6. NEW SECTION. 284.5 BEGINNING TEACHER  
27 MENTORING AND INDUCTION PROGRAM.

28 1. A beginning teacher mentoring and induction  
29 program is created to promote excellence in teaching,  
30 enhance student achievement, build a supportive  
31 environment within school districts, increase the  
32 retention of promising beginning teachers, and promote  
33 the personal and professional well-being of classroom  
34 teachers. Prior to the completion of the 2001-2002  
35 school year, a school district shall, at a minimum,  
36 provide an approved beginning teacher mentoring and  
37 induction program for all classroom teachers who are  
38 beginning teachers.

39 2. The state board shall adopt rules to administer  
40 this section.

41 3. Notwithstanding subsection 1, a school district  
42 may provide a beginning teacher mentoring and  
43 induction program for all classroom teachers who are  
44 beginning teachers in the school years beginning July  
45 1, 2001, and July 1, 2002.

46 4. Each participating school district shall  
47 develop an initial beginning teacher mentoring and  
48 induction plan. The plan shall be included in the  
49 school district's comprehensive school improvement  
50 plan submitted pursuant to section 256.7, subsection

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1 21. The beginning teacher induction plan shall, at a  
2 minimum, provide for a two-year sequence of induction  
3 program content and activities to support the Iowa  
4 teaching standards and beginning teacher professional  
5 and personal needs; mentor training that includes, at  
6 a minimum, skills of classroom demonstration and  
7 coaching, and district expectations for beginning  
8 teacher competence on Iowa teaching standards;  
9 placement of mentors and beginning teachers; the  
10 process for dissolving mentor and beginning teacher  
11 partnerships; district organizational support for  
12 released time for mentors and beginning teachers to  
13 plan, provide demonstration of classroom practices,  
14 observe teaching, and provide feedback; structure for  
15 mentor selection and assignment of mentors to  
16 beginning teachers; a district facilitator; and  
17 program evaluation.

18 5. Upon completion of the program, the beginning  
19 teacher shall be comprehensively evaluated to  
20 determine if the teacher meets expectations to move to

21 the career level. The school district shall recommend  
22 a beginning teacher who has successfully completed the  
23 program for an educational license. A school district  
24 may offer a teacher a third year of participation in  
25 the program if, after conducting a comprehensive  
26 evaluation, the school district determines that the  
27 teacher is likely to successfully complete the  
28 mentoring and induction program by the end of the  
29 third year of eligibility. A teacher granted a third  
30 year of eligibility shall develop a teacher's  
31 mentoring and induction program plan in accordance  
32 with this chapter and shall undergo a comprehensive  
33 evaluation at the end of the third year. The board of  
34 educational examiners shall grant a one-year extension  
35 of the beginning teacher's provisional license upon  
36 notification by the school district that the teacher  
37 will participate in a third year of the school  
38 district's program.

39 Sec. 7. NEW SECTION. 284.6 TEACHER CAREER  
40 DEVELOPMENT.

41 1. The department shall coordinate a statewide  
42 network of career development for Iowa teachers. A  
43 participating school district or career development  
44 provider that offers a career development program in  
45 accordance with section 256.9, subsection 51, shall  
46 demonstrate that the program contains the following:  
47 a. Support that meets the career development needs  
48 of individual teachers and is aligned with the Iowa  
49 teaching standards.  
50 b. Research-based instructional strategies aligned

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1 with the school district's student achievement needs  
2 and the long-range improvement goals established by  
3 the district.

4 c. Instructional improvement components including  
5 student achievement data, analysis, theory, classroom  
6 demonstration and practice, technology integration,  
7 observation, reflection, and peer coaching.

8 d. An evaluation component that documents the  
9 improvement in instructional practice and the effect  
10 on student learning.

11 2. The department shall identify models of career  
12 development practices that produce evidence of the  
13 link between teacher training and improved student  
14 learning.

15 3. A participating school district shall  
16 incorporate a district career development plan into  
17 the district's comprehensive school improvement plan  
18 submitted to the department in accordance with section  
19 256.7, subsection 21. The district career development

20 plan shall include a description of the means by which  
21 the school district will provide access to all  
22 teachers in the district to career development  
23 programs or offerings that meet the requirements of  
24 subsection 1. The plan shall align all career  
25 development with the school district's long-range  
26 student learning goals and the Iowa teaching  
27 standards. The plan shall indicate the school  
28 district's approved career development provider or  
29 providers.

30 4. In cooperation with the teacher's supervisor,  
31 the teacher employed by a participating school  
32 district shall develop an individual teacher career  
33 development plan. The individual plan shall be based,  
34 at minimum, on the needs of the teacher, the Iowa  
35 teaching standards, and the student achievement goals  
36 of the attendance center and the school district as  
37 outlined in the comprehensive school improvement plan.  
38 The individual plan shall be reviewed by the teacher  
39 and the teacher's supervisor at the teacher's annual  
40 review, and shall be modified as necessary to reflect  
41 the individual teacher's and the school district's  
42 needs and the individual's progress in the plan.

43 5. School districts, a consortium of school  
44 districts, area education agencies, higher education  
45 institutions, and other public or private entities  
46 including professional associations may be approved by  
47 the state board to provide teacher career development.  
48 The career development program or offering shall, at  
49 minimum, meet the requirements of subsection 1. The  
50 state board shall adopt rules for the approval of

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1 career development providers and standards for the  
2 district career development plan.

3 Sec. 8. NEW SECTION. 284.7 IOWA TEACHER CAREER  
4 PATH.

5 To promote continuous improvement in Iowa's quality  
6 teaching workforce and to give Iowa teachers the  
7 opportunity for career recognition that reflects the  
8 various roles teachers play as educational leaders, an  
9 Iowa teacher career path is established for teachers  
10 employed by participating school districts. A  
11 participating school district shall raise teacher  
12 salaries to meet the requirements of this section.  
13 The Iowa teacher career path and salary minimums are  
14 as follows:

15 1. Effective July 1, 2001, the following career  
16 path levels are established and shall be implemented  
17 in accordance with this chapter:

18 a. BEGINNING TEACHER.

- 19 (1) A beginning teacher is a teacher who meets the  
 20 following requirements:
- 21 (a) Has successfully completed an approved  
 22 practitioner preparation program as defined in section  
 23 272.1.
  - 24 (b) Holds a provisional teacher license issued by  
 25 the board of educational examiners.
  - 26 (c) Participates in the beginning teacher  
 27 mentoring and induction program as provided in this  
 28 chapter.
- 29 (2) The participating district shall increase the  
 30 district's minimum salary for a first-year beginning  
 31 teacher by at least one thousand five hundred dollars  
 32 per year above the minimum salary paid to a first-year  
 33 beginning teacher in the previous year unless the  
 34 minimum salary for a first-year beginning teacher  
 35 exceeds twenty-eight thousand dollars.
- 36 **b. CAREER TEACHER.**
- 37 (1) A career teacher is a teacher who meets the  
 38 following requirements:
- 39 (a) Has successfully completed the beginning  
 40 teacher mentoring and induction program and has  
 41 successfully completed a comprehensive evaluation as  
 42 provided in this chapter.
  - 43 (b) Is reviewed by the school district as  
 44 demonstrating the competencies of a career teacher.
  - 45 (c) Holds a valid license issued by the board of  
 46 educational examiners.
  - 47 (d) Participates in teacher career development as  
 48 set forth in this chapter and demonstrates continuous  
 49 improvement in teaching.
- 50 (3) The participating district shall provide a two

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- 1 thousand dollar difference between the average  
 2 beginning teacher salary and the minimum career  
 3 teacher salary, unless the school district has a  
 4 minimum career teacher salary that exceeds thirty  
 5 thousand dollars.
  - 6 2. It is the intent of the general assembly to  
 7 establish and require the implementation of and  
 8 provide for the implementation of the following  
 9 additional career path levels by July 1, 2003:
- 10 **a. CAREER II TEACHER.**
- 11 (1) A career II teacher is a teacher who meets the  
 12 requirements of subsection 1, paragraph "b", has met  
 13 the requirements established by the school district  
 14 that employs the teacher, and is evaluated by a  
 15 school district as demonstrating the competencies of a  
 16 career II teacher. The teacher shall have  
 17 successfully completed a comprehensive evaluation in

18 order to be classified as a career II teacher.

19 (2) It is the intent of the general assembly that  
20 the participating district shall establish a minimum  
21 salary for a career II teacher that is at least five  
22 thousand dollars greater than the minimum career  
23 teacher salary. It is further intended that the  
24 district shall adopt a plan that facilitates the  
25 transition of a career teacher to a career II level.

26 b. ADVANCED TEACHER.

27 (1) An advanced teacher is a teacher who meets the  
28 following requirements:

29 (a) Receives the recommendation of the review  
30 panel that the teacher possesses superior teaching  
31 skills and that the teacher should be classified as an  
32 advanced teacher.

33 (b) Holds a valid license from the board of  
34 educational examiners.

35 (c) Participates in teacher career development as  
36 outlined in this chapter and demonstrates continuous  
37 improvement in teaching.

38 (d) Possesses the skills and qualifications to  
39 assume leadership roles.

40 (2) It is the intent of the general assembly that  
41 the participating district shall establish a minimum  
42 salary for an advanced teacher that is at least  
43 thirteen thousand five hundred dollars greater than  
44 the minimum career teacher salary. In conjunction  
45 with the development of the review panel pursuant to  
46 section 284.9, the department shall make  
47 recommendations to the general assembly by January 1,  
48 2002, regarding the appropriate district-to-district  
49 recognition for advanced teachers and methods that  
50 facilitate the transition of a teacher to the advanced

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1 level.

2 3. A teacher shall be promoted one level at a time  
3 and a teacher promoted to the next career level shall  
4 remain at that level for at least one year before  
5 requesting promotion to the next career level.

6 4. If a comprehensive evaluation for a teacher is  
7 conducted in the fifth year of the teacher's status at  
8 the career level, and indicates that the teacher's  
9 practice no longer meets the standards for that level,  
10 a comprehensive evaluation shall be conducted in the  
11 next following school year. If the comprehensive  
12 evaluation establishes that the teacher's practice  
13 fails to meet the standards for that level, the  
14 teacher shall be ineligible for any additional pay  
15 increase.

16 5. A teacher employed in a participating district

17 shall not receive less compensation in that  
18 participating district than the teacher received in  
19 the school year starting July 1, 2001, due to  
20 implementation of this chapter. A teacher who  
21 achieves national board for professional teaching  
22 standards certification and meets the requirements of  
23 section 256.44 shall continue to receive the award as  
24 specified in section 256.44 in addition to the  
25 compensation set forth in this section.

26 Sec. 9. NEW SECTION. 284.8 EVALUATION  
27 REQUIREMENTS.

28 1. A teacher's supervisor shall annually review  
29 the teacher for purposes of continuous improvement  
30 unless the teacher has been comprehensively reviewed  
31 during the same school year. The supervisor may  
32 designate another certified evaluator to conduct the  
33 annual review of a teacher. The review shall include  
34 classroom observation of the teacher and may include  
35 supporting documentation from other supervisors,  
36 parents, and students.

37 2. In addition to evaluations agreed upon under  
38 chapter 20, a teacher shall be comprehensively  
39 evaluated based on the provisions of section 284.3 at  
40 least once every five years. Comprehensive  
41 evaluations shall be conducted by an administrator or  
42 the administrator's designee certified pursuant to  
43 section 284.10. The evaluation shall include, at  
44 minimum, classroom observation of the teacher, the  
45 teacher's progress and implementation of the teacher's  
46 individual career development plan, and should include  
47 supporting documentation from other supervisors,  
48 teachers, parents, and students. A teacher may be  
49 comprehensively evaluated for purposes of performance  
50 review or recommendation for licensure, and shall be

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1 comprehensively evaluated for advancement in the  
2 career path established pursuant to section 284.7.  
3 3. If a teacher is denied advancement based upon a  
4 comprehensive evaluation, the teacher may appeal the  
5 decision to an adjudicator under the process  
6 established under section 279.17. However, the  
7 decision of the adjudicator is final. If a district  
8 does not recommend a teacher for continued employment  
9 or licensure based upon a comprehensive evaluation,  
10 the provisions of sections 279.14, 279.17, and 279.18  
11 shall apply. A teacher may file one cause of action  
12 objecting to the contents or procedures of a  
13 comprehensive evaluation and the objections shall not  
14 be subject to the grievance procedures negotiated in  
15 accordance with chapter 20.

16 Sec. 10. NEW SECTION. 284.9 REVIEW PANEL.

17 1. A career II teacher seeking to receive an  
18 advanced designation shall submit a portfolio of work  
19 evidence aligned with the Iowa teaching standards to a  
20 review panel established in accordance with subsection

21 2. A majority of the evidence in the portfolio shall  
22 be classroom-based. The review panel shall evaluate  
23 the career II teacher's portfolio to determine whether  
24 the teacher demonstrates superior teaching skills and  
25 shall make a recommendation to the board of  
26 educational examiners whether or not the teacher shall  
27 receive an advanced designation. The standards for  
28 recommendation include, but are not limited to,  
29 meeting the Iowa teaching standards at an advanced  
30 level.

31 2. The department shall establish up to five  
32 regional review panels consisting of five members per  
33 panel. Each panel shall include, at a minimum, a  
34 nationally board-certified teacher and a school  
35 district administrator. Panel members shall be  
36 appointed by the director and shall possess the  
37 knowledge necessary to determine the quality of the  
38 evidence submitted in an applicant's portfolio. Panel  
39 members shall serve a staggered three-year term and  
40 may be reappointed to a second term. The department  
41 shall provide support and evaluation training for  
42 panel members and convene panels as needed.

43 3. To assure fairness and consistency in the  
44 evaluation process, the review panels may perform  
45 random audits of the comprehensive evaluations  
46 conducted by evaluators throughout the state, and may  
47 randomly review performance-based evaluation models  
48 developed by school districts in accordance with  
49 section 284.3, subsection 2. The review of the  
50 evaluation models shall ensure that the model is at

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1 least equivalent to the state model developed pursuant  
2 to section 256.9, subsection 51.

3 4. A teacher who does not receive a recommendation  
4 from a review panel may appeal that denial to an  
5 administrative law judge located in the department of  
6 inspections and appeals. The state shall not be  
7 liable for a teacher's attorney fees, costs, or  
8 damages that may result from an appeal of a review  
9 panel's decision. The state board shall adopt rules  
10 to administer this section.

11 Sec. 11. NEW SECTION. 284.10 EVALUATOR TRAINING  
12 PROGRAM.

13 1. The department shall establish an evaluator  
14 training program to improve the skills of school

15 district evaluators in making employment decisions,  
16 making recommendations for licensure, and moving  
17 teachers through a career path as established under  
18 this chapter. The department shall consult with  
19 persons representing teachers, national board-  
20 certified teachers, administrators, school boards,  
21 higher education institutions with approved  
22 practitioner and administrator preparation programs,  
23 and with persons from the private sector knowledgeable  
24 in employment evaluation and evaluator training in  
25 order to develop standards and requirements for the  
26 program. Evaluator training programs offered pursuant  
27 to this chapter may be provided by a public or private  
28 entity. The department shall distribute a list of  
29 evaluator training program providers to each school  
30 district.

31 2. An administrator licensed under chapter 272 who  
32 conducts evaluations of teachers for purposes of this  
33 chapter shall complete the evaluator training program.  
34 A practitioner licensed under chapter 272 who is not  
35 an administrator may enroll in the evaluator training  
36 program. Enrollment preference shall be given to  
37 administrators. Upon successful completion, the  
38 provider shall certify that the administrator or other  
39 practitioner is qualified to conduct evaluations for  
40 employment, make recommendations for licensure, and  
41 make recommendations that a teacher is qualified to  
42 advance from one career path level to the next career  
43 path level pursuant to this chapter. Certification is  
44 for a period of five years and may be renewed.

45 3. Effective until July 1, 2004, a school district  
46 shall pay the amount of one thousand dollars for each  
47 individual who is licensed as an administrator under  
48 chapter 272 on or after July 1, 2001, and who has been  
49 certified in accordance with this section. By October  
50 1 annually, the school district shall notify the

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1 department of education of the number of individuals  
2 who have achieved certification in accordance with  
3 this section, and shall submit any documentation  
4 requested by the department.

5 4. By July 1, 2002, a higher education institution  
6 approved by the state board to provide an  
7 administrator preparation program shall incorporate  
8 the evaluator training program into the program  
9 offered by the institution.

10 5. Beginning July 1, 2002, the board of  
11 educational examiners shall require certification as a  
12 condition of issuing or renewing an administrator's  
13 license.

14 6. By July 1, 2004, the director shall develop and  
15 implement an evaluator training certification renewal  
16 program for administrators and other practitioners who  
17 need to renew a certificate issued pursuant to this  
18 section.

19 Sec. 12. NEW SECTION. 284.11 PILOT PROGRAM FOR  
20 TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.

21 1. It is the intent of the general assembly to  
22 develop and implement by July 1, 2003, a statewide  
23 team-based variable pay program and approval process  
24 to reward individual attendance centers for  
25 improvement in student achievement. The department  
26 shall develop and administer a pilot team-based  
27 variable pay program. A pilot program is established  
28 to give Iowa school districts with one or more  
29 participating attendance centers the opportunity to  
30 explore and demonstrate successful methods to  
31 implement team-based variable pay. Each school  
32 district approved by the department to participate in  
33 the pilot program shall administer a valid and  
34 reliable standardized assessment at the beginning and  
35 end of the school year to demonstrate growth in  
36 student achievement.

37 2. A participating school district may provide a  
38 cash award to all of the licensed practitioners at a  
39 participating attendance center that has demonstrated  
40 improvement in student achievement as provided in this  
41 section. The school district is encouraged to extend  
42 cash awards to other staff employed at the attendance  
43 center.

44 3. The team-based pay plan shall be approved by  
45 the local board.

46 4. A district electing to initiate a team-based  
47 variable pay plan according to this section during the  
48 school year beginning July 1, 2001, shall notify the  
49 department of its election in writing no later than  
50 August 1, 2001. The department shall certify the

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1 school district plan by October 1, 2001.

2 Sec. 13. NEW SECTION. 284.12 REPORT.

3 1. The department shall annually report the  
4 statewide progress on the following:

5 a. Students achievement scores in mathematics and  
6 reading at the fourth and eighth grade levels on a  
7 district-by-district basis.

8 b. Improvement in teacher compensation.

9 c. Evaluator training program.

10 d. Team-based variable pay for student  
11 achievement.

12 e. Changes and improvements in the evaluation of

13 teachers under the Iowa teaching standards.

14 2. The report shall be made available to the  
15 chairpersons and ranking members of the senate and  
16 house committees on education, the state board, the  
17 governor, and school districts by January 1. School  
18 districts shall provide information as required by the  
19 department for the compilation of the report and for  
20 accounting and auditing purposes.

21 3. The department shall provide for a  
22 comprehensive independent evaluation of all components  
23 of the student achievement and teacher quality program  
24 and shall submit the results of the evaluation in the  
25 report submitted pursuant to subsection 2 by January  
26 1, 2007.

27 4. The board of educational examiners shall  
28 compile statistical information from the results of  
29 the examinations administered pursuant to section  
30 272.2, subsection 16. The information compiled shall  
31 identify the practitioner preparation programs from  
32 which the applicants graduated, but shall not identify  
33 applicants individually. The statistical information  
34 compiled by the board pursuant to this subsection is a  
35 public record. The board shall submit a review of the  
36 statistical information to the chairpersons and  
37 ranking members of the senate and house committees on  
38 education and the state board by December 1, 2003.

39 5. In developing administrative rules for  
40 consideration by the state board, the department shall  
41 consult with persons representing teachers,  
42 administrators, school boards, approved practitioner  
43 preparation institutions, and other appropriate  
44 education stakeholders.

45 Sec. 14. Section 256.7, Code 2001, is amended by  
46 adding the following new subsection:

47 NEW SUBSECTION. 25. Prescribe standards and  
48 procedures for the approval of a nontraditional  
49 practitioner preparation program to be offered by  
50 practitioner preparation institutions in this state in

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1 accordance with section 272.2, subsection 13.

2 Sec. 15. Section 256.9, Code 2001, is amended by  
3 adding the following new subsection:

4 NEW SUBSECTION. 51. Develop a core knowledge and  
5 skill criteria model, based upon the Iowa teaching  
6 standards, for the evaluation, the advancement, and  
7 for teacher career development purposes pursuant to  
8 chapter 284. The model criteria shall further define  
9 the characteristics of quality teaching as established  
10 by the Iowa teaching standards.

11 Sec. 16. Section 256.16, Code 2001, is amended by

12 adding the following new subsection:  
13 NEW SUBSECTION. 3. The state board shall adopt  
14 rules requiring that all higher education institutions  
15 providing nontraditional practitioner preparation, at  
16 a minimum, meet the standards and comply with the  
17 standards established pursuant to section 256.7,  
18 subsection 25. A nontraditional practitioner  
19 preparation instruction program is exempt from the  
20 student teaching or field experience requirements of  
21 section 272.25. A nontraditional practitioner  
22 preparation instruction program shall include  
23 coursework in education theory, instructional methods,  
24 classroom management, and practice teaching. The  
25 program shall consist of two twelve-semester-hour, or  
26 the trimester or quarter equivalent, courses of study,  
27 the first of which a student shall successfully  
28 complete prior to receiving a nontraditional  
29 conditional license pursuant to section 272.2,  
30 subsection 13, paragraphs "a" and "b". Prior to  
31 licensure as an administrator or a provisional  
32 teacher, a student shall successfully complete the  
33 second twelve-semester-hour, or the trimester or  
34 quarter equivalent, course of study in accordance with  
35 section 272.2, subsection 13. The institution that  
36 delivers the coursework to a practitioner pursuant to  
37 this subsection shall include as a component of its  
38 program supervision of a practitioner during the  
39 practitioner's year of employment under a  
40 nontraditional conditional license, and shall, in  
41 consultation with the practitioner's evaluator at the  
42 school district or accredited nonpublic school of  
43 employment, submit to the board of educational  
44 examiners a comprehensive evaluation of the  
45 practitioner's performance by July 1 following the  
46 practitioner's year of employment under a  
47 nontraditional conditional license.  
48 Sec. 17. Section 272.1, Code 2001, is amended by  
49 adding the following new subsection:  
50 NEW SUBSECTION. 5A. "Nontraditional conditional

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1 license" means the authority that is given to allow a  
2 person to legally serve as a practitioner on a  
3 temporary basis while the person completes a  
4 nontraditional practitioner preparation program.  
5 Sec. 18. Section 272.2, subsection 1, Code 2001,  
6 is amended to read as follows:  
7 1. a. License practitioners, who do not hold or  
8 receive a license from another professional licensing  
9 board, ~~and professional development programs, except~~  
10 ~~for programs developed and offered by practitioner~~

11 ~~preparation institutions or area education agencies~~  
 12 ~~and approved by the state board of education.~~  
 13 Licensing authority includes the authority to  
 14 establish criteria for the licenses, ~~including but not~~  
 15 ~~limited to, establish~~ issuance and renewal  
 16 requirements, ~~creation of create~~ application and  
 17 renewal forms, ~~creation of create~~ licenses that  
 18 authorize different instructional functions or  
 19 specialties, ~~development of develop~~ a code of  
 20 professional rights and responsibilities, practice,  
 21 and ethics, and ~~the authority to~~ develop any other  
 22 classifications, distinctions, and procedures which  
 23 may be necessary to exercise licensing duties. A code  
 24 of professional rights and responsibilities, practice,  
 25 and ethics shall address but not be limited to the  
 26 habitual failure of a practitioner to fulfill  
 27 contractual obligations under section 279.13.

28 b. Notwithstanding section 272.28, subsection 1, a  
 29 teacher shall be licensed in accordance with rules  
 30 adopted pursuant to chapter 272, Code 2001, if the  
 31 teacher successfully completes a beginning teacher  
 32 mentoring program approved pursuant to chapter 256E on  
 33 or before June 30, 2002, or is employed by a school  
 34 district that does not offer a beginning teacher  
 35 mentoring and induction program approved in accordance  
 36 with this chapter during the school year beginning  
 37 July 1, 2001.

38 c. Notwithstanding section 272.28, subsection 1, a  
 39 teacher shall receive an educational license if the  
 40 teacher meets the licensing requirements of this  
 41 chapter and, prior to July 1, 2003, successfully  
 42 completes a two-year beginning teacher mentoring and  
 43 induction program approved pursuant to this chapter.

44 Sec. 19. Section 272.2, subsection 13, Code 2001,  
 45 is amended to read as follows:

46 13. Adopt rules to provide for nontraditional  
 47 preparation ~~and licensing~~ options for licensing  
 48 persons who hold, at a minimum, a bachelor's degree  
 49 from an accredited college or university, but who do  
 50 not meet other requirements for licensure. At a

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1 minimum, the rules shall provide for the following:

2 a. An individual who possesses at least a master's  
 3 degree in business administration, public  
 4 administration, or a comparable degree, or who  
 5 possesses at least a bachelor's degree from an  
 6 accredited postsecondary institution and life  
 7 experience equivalent to a master's degree in a  
 8 management field as determined by rule, and who has  
 9 been employed for at least ten of the last fifteen

10 years in a management position, may be issued a one-  
11 year, nonrenewable nontraditional conditional  
12 administrator's license if the individual successfully  
13 completes a nontraditional practitioner preparation  
14 instruction program in accordance with section 256.16,  
15 subsection 3. An individual may be issued an  
16 administrator's license if the individual successfully  
17 completes one year of employment as an administrator  
18 under a nontraditional conditional license and  
19 successfully completes the second course of study set  
20 forth in section 256.16, subsection 3. However, an  
21 individual licensed pursuant to this paragraph shall  
22 be licensed only to serve as an administrator in a  
23 school district with an actual enrollment of five  
24 thousand five hundred or more pupils.  
25 b. An individual who possesses at least a  
26 bachelor's degree from an accredited postsecondary  
27 institution, has been employed for at least five  
28 consecutive years in an area requiring knowledge and  
29 practical application of the individual's  
30 postsecondary academic background, and can document,  
31 to the satisfaction of the state board of educational  
32 examiners, successful experience working with  
33 children, may be issued a one-year, nonrenewable  
34 nontraditional conditional license to teach students  
35 in grades nine through twelve in the area of the  
36 individual's academic background and employment  
37 experience if the individual successfully completes a  
38 nontraditional practitioner preparation instruction  
39 program, in accordance with section 256.16, subsection  
40 3. In addition to these requirements, an individual  
41 seeking a nontraditional conditional license to teach  
42 special education students in grades nine through  
43 twelve shall document, to the satisfaction of the  
44 state board of educational examiners, five years of  
45 successful experience working with children requiring  
46 special education. An individual may be issued a  
47 provisional license to teach students in grades nine  
48 through twelve in the area of the individual's  
49 academic background and employment experience if the  
50 individual successfully completes one year of teaching

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1 under a nontraditional conditional license and  
2 successfully completes the second course of study set  
3 forth in section 256.16, subsection 3. A person  
4 issued a nontraditional conditional or provisional  
5 teaching license pursuant to this paragraph shall  
6 successfully complete, at a minimum, a two-year  
7 beginning teacher mentoring and induction program.  
8 Sec. 20. Section 272.2, Code 2001, is amended by

9 adding the following new subsection:  
 10 **NEW SUBSECTION.** 16. a. Administer the Praxis II  
 11 examination for knowledge of pedagogies and for not  
 12 more than one content area to the following:  
 13 (1) Each individual traditionally prepared in  
 14 accordance with section 272.25 who is applying for a  
 15 provisional license prior to issuance of the license.  
 16 (2) Each individual who is applying for a  
 17 nontraditional license in accordance with subsection  
 18 13, paragraph "b".  
 19 b. Examination fees for the examination required  
 20 under this subsection shall be paid by the board.  
 21 Costs incurred for additional content area  
 22 examinations shall be paid by the applicant.  
 23 c. The results of the examinations administered  
 24 pursuant to paragraph "a", subparagraphs (1) and (2),  
 25 shall be separately maintained from the results of  
 26 examinations administered to traditionally prepared  
 27 students.  
 28 d. This subsection is repealed effective June 30,  
 29 2003.  
 30 **Sec. 21. NEW SECTION. 272.28 MENTORING AND**  
 31 **INDUCTION REQUIREMENT.**  
 32 1. Effective July 1, 2003, requirements for  
 33 teacher licensure beyond a provisional license shall  
 34 include successful completion of a beginning teacher  
 35 mentoring and induction program approved by the state  
 36 board of education.  
 37 2. A teacher from an accredited nonpublic school  
 38 or another state or country is exempt from the  
 39 requirement of subsection 1 if the teacher can  
 40 document three years of successful teaching experience  
 41 within the past five years and meet or exceed the  
 42 requirements contained in rules adopted under this  
 43 chapter for endorsement and licensure.  
 44 **Sec. 22. Section 279.19, unnumbered paragraphs 1**  
 45 **and 2, Code 2001, are amended to read as follows:**  
 46 The first ~~three~~ two consecutive years of employment  
 47 of a teacher in the same school district are a  
 48 probationary period. However, if the teacher has  
 49 successfully completed a probationary period of  
 50 employment for another school district located in

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1 Iowa, the probationary period in the current district  
 2 of employment shall not exceed one year. A board of  
 3 directors may waive the probationary period for any  
 4 teacher who previously has served a probationary  
 5 period in another school district and the board may  
 6 extend the probationary period for an additional year  
 7 with the consent of the teacher.

8 Notwithstanding the two-year probationary period  
9 otherwise provided for in this section, if a school  
10 district offers a beginning teacher a third year of a  
11 beginning teacher mentoring and induction program, and  
12 the teacher accepts the school district's offer, the  
13 teacher's probationary period shall continue through  
14 the teacher's third year of employment.

15 In the case of the termination of a probationary  
16 teacher's contract, the provisions of sections 279.15  
17 and 279.16 shall apply.

18 Sec. 23. Chapter 256E, Code 2001, is repealed.

19 Sec. 24. Section 272.33, Code 2001, is repealed  
20 effective July 1, 2002.

21 Sec. 25. DEPARTMENTAL STUDIES. The department of  
22 education shall do the following:

23 1. Compile and report, in consultation with the  
24 board of educational examiners, information relating  
25 to nontraditional practitioner preparation programs,  
26 including the number of programs available and  
27 geographic areas in which they are available, the  
28 number of individuals who apply for a nontraditional  
29 conditional license, the number of individuals  
30 possessing a nontraditional conditional license who  
31 apply for a provisional license, the subject areas in  
32 which persons who possess nontraditional conditional  
33 licenses are teaching and where they are teaching.  
34 The department shall submit its findings and  
35 recommendations in a report to the senate and house of  
36 representatives standing committees on education by  
37 December 1, 2002.

38 2. Analyze and compare, in consultation with the  
39 board of educational examiners, the requirements for  
40 practitioner licensure or endorsement that require a  
41 master's degree and the master's degree requirements  
42 established by approved practitioner preparation  
43 graduate programs. The institutions offering approved  
44 practitioner preparation programs shall submit  
45 information to the department as requested by the  
46 department. The department shall submit its findings  
47 and recommendations in a report to the senate and  
48 house of representatives standing committees on  
49 education by December 1, 2001.

50 Sec. 26. PRACTITIONER PREPARATION CREDIT TRANSFER

Page 19

1 STUDY. The state board of regents shall conduct a  
2 study of the transfer of credits between practitioner  
3 preparation institutions, both in-state and out-of-  
4 state, to determine whether the transfer of credits by  
5 practitioner preparation institutions is fair and  
6 consistent. The state board shall collect information

7 relating to the transfer and acceptance of credits  
8 from a representative sample of in-state and out-of-  
9 state practitioner preparation institutions. The  
10 state board shall identify actions that may be taken  
11 to improve the ability of a student to transfer  
12 credits earned in one practitioner preparation  
13 institution to another. The state board shall submit  
14 its findings and recommendations in a report to the  
15 senate and house of representatives standing  
16 committees on education by December 1, 2001.

17 Sec. 27. LEGISLATIVE IMPLEMENTATION AND OVERSIGHT  
18 COMMITTEE. The legislative council is requested to  
19 establish a two-year legislative implementation and  
20 oversight committee to conduct a comprehensive study  
21 of team-based variable pay and make recommendations  
22 for the implementation of a team-based variable pay  
23 plan component of the student achievement and teacher  
24 quality program.

25 The committee shall establish the manner in which  
26 standards of performance are to be determined, the  
27 level of expected growth, the development of a student  
28 academic database, the timeline and procedure for the  
29 collection of student achievement data, identification  
30 of the structures of a team for purposes of equitable  
31 operation of the plan, and a timeline for  
32 implementation of the plan. The committee shall  
33 select an assessment model for use in accurately  
34 measuring student achievement. The committee may  
35 recommend additional measures and reviews for the  
36 purpose of strengthening comprehensive school  
37 improvement plans through the implementation of team-  
38 based variable pay plans. The committee shall monitor  
39 the progress of team-based variable pay pilot  
40 programs.

41 The committee shall recommend a means of evaluation  
42 designed to determine the effect of the student  
43 achievement and teacher quality plan on raising  
44 student achievement. The committee shall submit  
45 preliminary recommendations to the general assembly by  
46 December 15, 2001, and shall make its final  
47 recommendations to the general assembly by December  
48 15, 2002.

49 The committee shall be composed of six voting  
50 members representing both political parties and both

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1 houses of the general assembly. Three members shall  
2 be appointed by the president of the senate, after  
3 consultation with the majority leader of the senate  
4 and the minority leader of the senate. The remaining  
5 three members shall be appointed by the speaker of the

6 house of representatives after consultation with the  
7 majority and minority leaders of the house of  
8 representatives.

9 The committee shall also include the following ex  
10 officio, nonvoting members:

11 1. The director of the department of education or  
12 the director's designee.

13 2. One member who shall be appointed by the Iowa  
14 association of school boards.

15 3. One member who shall be appointed by the school  
16 administrators of Iowa.

17 4. Two members who shall be appointed  
18 independently by the state's two largest professional  
19 teachers associations.

20 5. One member who shall be appointed by the  
21 governor to represent the office of the governor.

22 It is the intent of the general assembly that the  
23 legislative implementation committee oversee the  
24 implementation of the policies established pursuant to  
25 this Act.

26 Sec. 28. STATE MANDATE FUNDING SPECIFIED. In  
27 accordance with section 25B.2, subsection 3, the state  
28 cost of requiring compliance with any state mandate  
29 included in this Act shall be paid by a school  
30 district from state school foundation aid received by  
31 the school district under section 257.16. This  
32 specification of the payment of the state cost shall  
33 be deemed to meet all the state funding-related  
34 requirements of section 25B.2, subsection 3, and no  
35 additional state funding shall be necessary for the  
36 full implementation of this Act by and enforcement of  
37 this Act against all affected school districts."

MARY E. KRAMER  
NANCY BOETTGER  
PAUL McKINLEY  
JOANN JOHNSON  
JOHN W. JENSEN  
RICHARD F. DRAKE  
KITTY REHBERG  
E. THURMAN GASKILL  
JEFF LAMBERTI  
MARK ZIEMAN  
LARRY McKIBBEN  
ANDY McKEAN  
JERRY BEHN  
NEAL SCHUERER  
JEFF ANGELO  
KEN VEENSTRA  
STEWART IVERSON, JR.  
O. GENE MADDOX  
DAVID MILLER

**S-3584**

1 Amend House File 719, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting before line 1 the  
4 following: "The office of distance learning is  
5 authorized to purchase a statewide site license for  
6 web-based educational training and testing programs of  
7 online assessments, lessons, and activities related to  
8 academic performance and may provide access to such  
9 programs for educational purposes."

STEVE KING  
MARY A. LUNDBY

**S-3585**

1 Amend House File 732, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 6, lines 5 and 6, by striking the words  
4 "leaders of faith-based organizations to utilize" and  
5 inserting the following: "individuals who are  
6 authorized to solemnize a marriage under section  
7 595.10 in utilizing".  
8 2. Page 6, lines 7 and 8, by striking the words  
9 "the respective faith-based organization" and  
10 inserting the following: "such individuals".

KEN VEENSTRA

**S-3586**

1 Amend House File 732, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 58, by inserting after line 24 the  
4 following:  
5 "\_\_\_\_. The department of human services shall  
6 review the disparity between the compensation provided  
7 to public employees who provide child welfare services  
8 relative to employees of private providers who have  
9 qualifications or job responsibilities that are  
10 comparable to the public employees'. The department  
11 shall submit to the governor and to those persons  
12 designated by this Act to be provided with reports, a  
13 report of its review, including findings and a plan  
14 for reducing the disparity."  
15 2. By renumbering as necessary.

KEN VEENSTRA

**S-3587**

1 Amend House File 732 as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 58, by inserting after line 26, the  
 4 following:  
 5 "Sec. \_\_\_\_ REBUILD IOWA INFRASTRUCTURE FUND-  
 6 APPROPRIATION.

7 Notwithstanding provisions to the contrary in  
 8 section 8.57, subsection 5, paragraph "e", there is  
 9 appropriated from the rebuild Iowa infrastructure fund  
 10 created in section 8.57, subsection 5, to the  
 11 department of human services, for the fiscal year  
 12 beginning July 1, 2001, and ending June 30, 2002, the  
 13 following amounts or so much thereof as is necessary  
 14 for utility costs:

15 1. For the Iowa juvenile home at Toledo:		
16 .....	\$	30,000
17 2. For the state training school at Eldora:		
18 .....	\$	136,032
19 3. For the state mental health institute at 20 Cherokee:		
21 .....	\$	158,176
22 4. For the state mental health institute at 23 Clarinda:		
24 .....	\$	46,000
25 5. For the state mental health institute at 26 Independence:		
27 .....	\$	108,781
28 6. For the state mental health institute at Mount 29 Pleasant:		
30 .....	\$	42,000
31 7. For the state resource center at Glenwood:		
32 .....	\$	117,200
33 8. For the state resource center at Woodward:		
34 .....	\$	348,992"
35 2. By renumbering as necessary.		

KITTY REHBERG

**S-3588**

1 Amend the amendment, S-3583, to Senate File 476, as  
 2 follows:  
 3 1. Page 3, line 4, by inserting after the word  
 4 "students" the following: ", including the use of  
 5 technology for curriculum integration".  
 6 2. Page 3, line 50, by inserting after the word  
 7 "needs" the following: ", including the integration  
 8 of technology into curriculum development".  
 9 3. Page 9, line 34, by inserting after the word

10 "include" the following: "video portfolios as  
11 evidence of teaching practices and".

MARY E. KRAMER  
NANCY BOETTGER

**S-3589**

1 Amend House File 732, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, line 32, by inserting after the word  
4 "outcomes." the following: "Grants shall comply with  
5 the requirements provided in 1997 Iowa Acts, chapter  
6 208, section 14, subsections 1 and 2, including the  
7 requirement that grant programs must emphasize sexual  
8 abstinence."

9 2. Page 6, lines 5 and 6, by striking the words  
10 "leaders of faith-based organizations to utilize" and  
11 inserting the following: "individuals who are  
12 authorized to solemnize a marriage under section  
13 595.10 in utilizing".

14 3. Page 6, lines 7 and 8, by striking the words  
15 "the respective faith-based organization" and  
16 inserting the following: "such individuals".

17 4. Page 6, by inserting after line 26, the  
18 following:  
19 "18. The department shall report on or before  
20 December 15, 2001, to the governor and to the persons  
21 designated by this Act to receive reports providing a  
22 detailed analysis as to how federal temporary  
23 assistance for needy families block grant funding was  
24 expended during the previous fiscal year to achieve  
25 the four purposes for the funding as outlined in 42  
26 U.S.C. } 601(a). For each category of expenditure,  
27 the analysis shall identify which of the four purposes  
28 was addressed and the amount expended."

29 5. Page 12, by inserting after line 15, the  
30 following:

31 "d. For the food stamp employment and training  
32 program:  
33 ..... \$ 150,000"

34 6. Page 23, line 28, by striking the word  
35 "(NSAIDS)".

36 7. Page 25, by inserting after line 32 the  
37 following:  
38 "In any managed care contract for mental health or  
39 substance abuse services entered into or extended by  
40 the department on or after July 1, 2001, the request  
41 for proposals shall provide for coverage of dual  
42 diagnosis mental health and substance abuse treatment  
43 provided at the state mental health institute at Mount  
44 Pleasant. To the extent possible, the department

45 shall also amend any such contract existing on July 1,  
46 2001, to provide for such coverage."  
47 8. Page 29, by striking lines 10 through 12.  
48 9. Page 38, by striking lines 5 and 6 and  
49 inserting the following:  
50 "Sec. 17. COMMUNITY-BASED PROGRAMS.

Page 2

1 There is appropriated from the general fund of".  
2 10. Page 58, by inserting after line 24 the  
3 following:  
4 "\_\_\_\_. The department of human services shall  
5 review the disparity between the compensation provided  
6 to public employees who provide child welfare services  
7 relative to employees of private providers who have  
8 qualifications or job responsibilities that are  
9 comparable to the public employees. The department  
10 shall submit to the governor and to those persons  
11 designated by this Act to be provided with reports, a  
12 report of its review, including findings and a plan  
13 for reducing the disparity."  
14 11. Page 62, by striking lines 11 through 18, and  
15 inserting the following:  
16 "b. The department of inspections and appeals may  
17 provide access to the single contact repository  
18 established under section 135C.33, subsection 6, for  
19 criminal and abuse history checks made by those  
20 employers, agencies, and other persons that are  
21 authorized access to child abuse information under  
22 section 235A.15 and are required by law to perform  
23 such checks."  
24 12. Page 65, by inserting after line 30 the  
25 following:  
26 "2. Upon submission to the persons designated by  
27 this Act for receiving reports of a report describing  
28 the transfers being made, the department may transfer  
29 up to \$2,500,000 to the appropriation in this Act for  
30 general administration from moneys that are budgeted  
31 for purchase of equipment in other appropriations made  
32 to the department in this Act."  
33 13. By striking page 66, line 31 through page 67,  
34 line 1.  
35 14. By renumbering as necessary.

KEN VEENSTRA

### S-3590

1 Amend the amendment, S-3583, to Senate File 476, as  
2 follows:  
3 1. By striking page 13, line 45 through page 14,

- 4 line 1.
- 5 2. By striking page 14, line 11 through page 15,
- 6 line 4.
- 7 3. By striking page 15, line 44 through page 17,
- 8 line 7.
- 9 4. Page 17, by striking lines 12 through 14 and
- 10 inserting the following: "more than one content area
- 11 to each individual who is applying for a".
- 12 5. Page 17, by striking lines 16 through 18.
- 13 6. Page 17, by striking lines 23 through 27.
- 14 7. Page 18, by striking lines 21 through 49.
- 15 8. By renumbering as necessary.

PATRICIA HARPER  
 JOHNIE HAMMOND  
 MICHAEL E. GRONSTAL  
 BETTY A. SOUKUP  
 JOHN P. KIBBIE  
 ROBERT E. DVORSKY  
 JACK HOLVECK  
 MARK SHEARER  
 TOM FLYNN  
 JOE BOLKCOM  
 WALLY E. HORN  
 EUGENE S. FRAISE  
 PATRICK J. DELUHERY  
 BILL FINK

**S-3591**

1 Amend the amendment, S-3583, to Senate File 476 as  
2 follows:

3 1. By striking page 1, line 1, through page 20,  
4 line 37, and inserting the following:

5 "Amend Senate File 576 as follows:

6 1. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. APPROPRIATION. There is appropriated  
9 from the general fund of the state to the department  
10 of education for the fiscal year beginning July 1,  
11 2001, and ending June 30, 2002, the following amount,  
12 or so much thereof as is necessary, to be used for the  
13 purposes designated:

14 For purposes of the student achievement and teacher  
15 quality program established as provided in chapter  
16 284:

17 .....	\$	40,000,000
----------	----	------------

18 Sec. 2. INTENT. It is the intent of the general  
19 assembly to create a teacher quality program that  
20 acknowledges that outstanding teachers are a key  
21 component in student success. The program's goals are  
22 to redesign compensation strategies and teachers'

23 professional development. Such compensation  
 24 strategies are designed to attract and retain high  
 25 performing teachers, to reward teachers for improving  
 26 their skills and knowledge in a manner that translates  
 27 into better student learning, and to reward the staff  
 28 of school attendance centers for improvement in  
 29 student achievement.

30 Sec. 3. NEW SECTION. 284.1 STUDENT ACHIEVEMENT  
 31 AND TEACHER QUALITY PROGRAM.

32 A student achievement and teacher quality program  
 33 is established to promote high student achievement.  
 34 The program shall consist of the following four major  
 35 elements:

- 36 1. Mentoring and induction programs that provide  
 37 support for beginning teachers in accordance with  
 38 sections 284.5 and 284.6.
- 39 2. Career paths with compensation levels that  
 40 strengthen Iowa's ability to recruit and retain  
 41 teachers.
- 42 3. Professional development designed to directly  
 43 support best teaching practices.
- 44 4. Team-based variable pay that provides  
 45 additional compensation when student performance  
 46 improves.

47 Sec. 4. NEW SECTION. 284.2 DEFINITIONS.

48 As used in this chapter, unless the context  
 49 otherwise requires:

- 50 1. "Beginning teacher" means an individual serving

Page 2

1 under an initial provisional or conditional license,  
 2 issued by the board of educational examiners under  
 3 chapter 272, who is assuming a position as a classroom  
 4 teacher.

5 2. "Classroom teacher" means an individual who  
 6 holds a valid practitioner's license and who is  
 7 employed under a teaching contract with a school  
 8 district or area education agency in this state to  
 9 provide classroom instruction to students.

10 3. "Comprehensive evaluation" means a summative  
 11 evaluation of a teacher conducted by an evaluator for  
 12 purposes of performance review, or recommendation for  
 13 licensure based upon models developed pursuant to  
 14 section 256.9, subsection 51, and to determine whether  
 15 the teacher's practice meets the school district  
 16 expectations for a career, career II, or advanced  
 17 level.

18 4. "Department" means the department of education.

19 5. "Director" means the director of the department  
 20 of education.

21 6. "Evaluator" means an administrator or other

22 practitioner who successfully completes an evaluator  
23 training program pursuant to section 284.10.

24 7. "Mentor" means an individual employed by a  
25 school district or area education agency as a  
26 classroom teacher who holds a valid license issued  
27 under chapter 272. The individual must have a record  
28 of four years of successful teaching practice, must be  
29 employed as a classroom teacher on a nonprobationary  
30 basis, and must demonstrate professional commitment to  
31 both the improvement of teaching and learning and the  
32 development of beginning teachers.

33 8. "School board" means the board of directors of  
34 a school district or a collaboration of boards of  
35 directors of school districts.

36 9. "State board" means the state board of  
37 education.

38 10. "Teacher" means an individual holding a  
39 practitioner's license issued under chapter 272, who  
40 is employed as a teacher, librarian, media specialist,  
41 or counselor in a nonadministrative position by a  
42 school district or area education agency pursuant to a  
43 contract issued by a board of directors under section  
44 279.13. A teacher may be employed in both an  
45 administrative and a nonadministrative position by a  
46 board of directors and shall be considered a part-time  
47 teacher for the portion of time that the teacher is  
48 employed in a nonadministrative position. "Teacher"  
49 includes a licensed individual employed on a less than  
50 full-time basis by a school district through a

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1 contract between the school district and an  
2 institution of higher education with a practitioner  
3 preparation program in which the licensed teacher is  
4 enrolled.

5 Sec. 5. NEW SECTION. 284.3 IOWA TEACHING  
6 STANDARDS.

7 1. For purposes of this chapter and for developing  
8 teacher evaluation criteria under chapter 279, the  
9 Iowa teaching standards are as follows:

10 a. Demonstrates competence in content knowledge  
11 appropriate to the teaching position.

12 b. Demonstrates competence in planning and  
13 preparing for instruction.

14 c. Uses strategies to deliver instruction that  
15 meets the multiple learning needs of students.

16 d. Uses a variety of methods to monitor student  
17 learning.

18 e. Demonstrates competence in classroom  
19 management.

20 f. Engages in professional growth.

- 21 g. Fulfills professional responsibilities  
 22 established by the school district.
- 23 2. The school board and faculty shall collaborate  
 24 to further define good teaching by enhancing the Iowa  
 25 teaching standards in the following manner:
- 26 a. For purposes of comprehensive evaluations for  
 27 beginning teachers, including the comprehensive  
 28 evaluation required for the beginning teacher to  
 29 progress to career teacher, the criteria shall be  
 30 based upon models developed pursuant to section 256.9,  
 31 subsection 51, and established pursuant to chapter 20.
- 32 b. For purposes of comprehensive evaluations for  
 33 teachers other than beginning teachers, the school  
 34 board shall convene the members of the school board  
 35 and representatives of the faculty, elected by the  
 36 faculty, to establish criteria based upon models  
 37 developed pursuant to section 256.9, subsection 51.  
 38 If the parties are unable to reach agreement, however,  
 39 the model criteria shall become the school district's  
 40 criteria. These criteria shall be in addition to  
 41 criteria otherwise agreed to under chapter 20.
- 42 Sec. 6. **NEW SECTION. 284.4 PARTICIPATION.**
- 43 1. A school district is eligible to receive moneys  
 44 appropriated for purposes specified in this chapter if  
 45 the school board applies to the department to  
 46 participate in the student achievement and teacher  
 47 quality program and submits a written statement  
 48 declaring the school district's willingness to do all  
 49 of the following:
- 50 a. Commit and expend local moneys to improve

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- 1 student achievement and teacher quality.
- 2 b. Implement a beginning teacher mentoring and  
 3 induction program as provided in this chapter.
- 4 c. Adopt a teacher career development program in  
 5 accordance with this chapter.
- 6 d. Adopt a teacher evaluation plan that, at  
 7 minimum, requires a comprehensive evaluation of  
 8 teachers in the participating district at least every  
 9 five years based upon the Iowa teaching standards and  
 10 requires administrators to complete evaluator training  
 11 in accordance with section 284.10.
- 12 e. Adopt teacher career paths based upon  
 13 demonstrated knowledge and skills in accordance with  
 14 this chapter.
- 15 f. Adopt a team-based variable pay plan that  
 16 rewards attendance center success when demonstrating  
 17 improvement in meeting attendance center student  
 18 achievement goals that are consistent with the  
 19 district comprehensive school improvement plan.

20 2. By July 1, 2003, each school district shall  
 21 participate in the student achievement and teacher  
 22 quality program.

23 Sec. 7. NEW SECTION. 284.5 BEGINNING TEACHER  
 24 MENTORING AND INDUCTION PROGRAM.

25 1. A beginning teacher mentoring and induction  
 26 program is created to promote excellence in teaching,  
 27 enhance student achievement, build a supportive  
 28 environment within school districts, increase the  
 29 retention of promising beginning teachers, and promote  
 30 the personal and professional well-being of classroom  
 31 teachers. Prior to the completion of the 2001-2002  
 32 school year, a school district shall, at a minimum,  
 33 provide an approved beginning teacher mentoring and  
 34 induction program for all classroom teachers who are  
 35 beginning teachers.

36 2. The state board shall adopt rules to administer  
 37 this section.

38 3. Notwithstanding subsection 1, a school district  
 39 may provide a beginning teacher mentoring and  
 40 induction program for all classroom teachers who are  
 41 beginning teachers in the school years beginning July  
 42 1, 2001, and July 1, 2002, and, notwithstanding  
 43 section 284.4, subsection 1, a school district is  
 44 eligible to receive moneys under section 284.13,  
 45 subsection 1, paragraph "c", for each fiscal year of  
 46 the fiscal period beginning July 1, 2001, and ending  
 47 June 30, 2003, to establish a beginning teacher  
 48 mentoring and induction program in accordance with  
 49 this section.

50 4. Each participating school district shall

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1 develop an initial beginning teacher mentoring and  
 2 induction plan. The plan shall be included in the  
 3 school district's comprehensive school improvement  
 4 plan submitted pursuant to section 256.7, subsection  
 5 21. The beginning teacher induction plan shall, at a  
 6 minimum, provide for a two-year sequence of induction  
 7 program content and activities to support the Iowa  
 8 teaching standards and beginning teacher professional  
 9 and personal needs; mentor training that includes, at  
 10 a minimum, skills of classroom demonstration and  
 11 coaching, and district expectations for beginning  
 12 teacher competence on Iowa teaching standards;  
 13 placement of mentors and beginning teachers; the  
 14 process for dissolving mentor and beginning teacher  
 15 partnerships; district organizational support for  
 16 released time for mentors and beginning teachers to  
 17 plan, provide demonstration of classroom practices,  
 18 observe teaching, and provide feedback; structure for

19 mentor selection and assignment of mentors to  
 20 beginning teachers; a district facilitator; and  
 21 program evaluation.  
 22 5. Upon completion of the program, the beginning  
 23 teacher shall be comprehensively evaluated to  
 24 determine if the teacher meets expectations to move to  
 25 the career level. The school district shall recommend  
 26 a beginning teacher who has successfully completed the  
 27 program for an educational license. A school district  
 28 may offer a teacher a third year of participation in  
 29 the program if, after conducting a comprehensive  
 30 evaluation, the school district determines that the  
 31 teacher is likely to successfully complete the  
 32 mentoring and induction program by the end of the  
 33 third year of eligibility. A teacher granted a third  
 34 year of eligibility shall develop a teacher's  
 35 mentoring and induction program plan in accordance  
 36 with this chapter and shall undergo a comprehensive  
 37 evaluation at the end of the third year. The board of  
 38 educational examiners shall grant a one-year extension  
 39 of the beginning teacher's provisional license upon  
 40 notification by the school district that the teacher  
 41 will participate in a third year of the school  
 42 district's program.

43 Sec. 8. NEW SECTION. 284.6 TEACHER CAREER  
 44 DEVELOPMENT.

45 1. The department shall coordinate a statewide  
 46 network of career development for Iowa teachers. A  
 47 participating school district or career development  
 48 provider that offers a career development program in  
 49 accordance with section 256.9, subsection 51, shall  
 50 demonstrate that the program contains the following:

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- 1 a. Support that meets the career development needs  
 2 of individual teachers and is aligned with the Iowa  
 3 teaching standards.
- 4 b. Research-based instructional strategies aligned  
 5 with the school district's student achievement needs  
 6 and the long-range improvement goals established by  
 7 the district.
- 8 c. Instructional improvement components including  
 9 student achievement data, analysis, theory, classroom  
 10 demonstration and practice, technology integration,  
 11 observation, reflection, and peer coaching.
- 12 d. An evaluation component that documents the  
 13 improvement in instructional practice and the effect  
 14 on student learning.
- 15 2. The department shall identify models of career  
 16 development practices that produce evidence of the  
 17 link between teacher training and improved student

18 learning.

19 3. A participating school district shall  
20 incorporate a district career development plan into  
21 the district's comprehensive school improvement plan  
22 submitted to the department in accordance with section  
23 256.7, subsection 21. The district career development  
24 plan shall include a description of the means by which  
25 the school district will provide access to all  
26 teachers in the district to career development  
27 programs or offerings that meet the requirements of  
28 subsection 1. The plan shall align all career  
29 development with the school district's long-range  
30 student learning goals and the Iowa teaching  
31 standards. The plan shall indicate the school  
32 district's approved career development provider or  
33 providers.

34 4. In cooperation with the teacher's supervisor,  
35 the teacher employed by a participating school  
36 district shall develop an individual teacher career  
37 development plan. The individual plan shall be based,  
38 at minimum, on the needs of the teacher, the Iowa  
39 teaching standards, and the student achievement goals  
40 of the attendance center and the school district as  
41 outlined in the comprehensive school improvement plan.  
42 The individual plan shall be reviewed by the teacher  
43 and the teacher's supervisor on a periodic basis to  
44 reflect the individual teacher's and the school  
45 district needs and the individual's progress in the  
46 plan.

47 5. School districts, a consortium of school  
48 districts, area education agencies, higher education  
49 institutions, and other public or private entities  
50 including professional associations may be approved by

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1 the state board to provide teacher career development.  
2 The career development program or offering shall, at  
3 minimum, meet the requirements of subsection 1. The  
4 state board shall adopt rules for the approval of  
5 career development providers and standards for the  
6 district career development plan.

7 Sec. 9. NEW SECTION. 284.7 IOWA TEACHER CAREER  
8 PATH.

9 To promote continuous improvement in Iowa's quality  
10 teaching workforce and to give Iowa teachers the  
11 opportunity for career recognition that reflects the  
12 various roles teachers play as educational leaders, an  
13 Iowa teacher career path is established for teachers  
14 employed by participating school districts. A  
15 participating school district shall use funding  
16 allocated under section 284.13, subsection 1,

17 paragraph "f", to raise teacher salaries to meet the  
18 requirements of this section. The Iowa teacher career  
19 path and salary minimums are as follows:

20 1. Effective July 1, 2001, the following career  
21 path levels are established and shall be implemented  
22 in accordance with this chapter:

23 a. BEGINNING TEACHER.

24 (1) A beginning teacher is a teacher who meets the  
25 following requirements:

26 (a) Has successfully completed an approved  
27 practitioner preparation program as defined in section  
28 272.1.

29 (b) Holds a provisional teacher license issued by  
30 the board of educational examiners.

31 (c) Participates in the beginning teacher  
32 mentoring and induction program as provided in this  
33 chapter.

34 (2) The participating district shall increase the  
35 district's minimum salary for a first-year beginning  
36 teacher by at least one thousand five hundred dollars  
37 per year above the minimum salary paid to a first-year  
38 beginning teacher in the previous year unless the  
39 minimum salary for a first-year beginning teacher  
40 exceeds twenty-eight thousand dollars.

41 b. CAREER TEACHER.

42 (1) A career teacher is a teacher who meets the  
43 following requirements:

44 (a) Has successfully completed the beginning  
45 teacher mentoring and induction program as provided in  
46 this chapter.

47 (b) Is reviewed by the school district as  
48 demonstrating the competencies of a career teacher.

49 (c) Holds a valid license issued by the board of  
50 educational examiners.

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1 (d) Participates in teacher career development as  
2 set forth in this chapter and demonstrates continuous  
3 improvement in teaching.

4 (3) The participating district shall provide a two  
5 thousand dollar difference between the average  
6 beginning teacher salary and the minimum career  
7 teacher salary, unless the school district has a  
8 minimum career teacher salary that exceeds thirty  
9 thousand dollars.

10 2. It is the intent of the general assembly to  
11 establish and require the implementation of and  
12 provide for the implementation of the following  
13 additional career path levels by July 1, 2003:

14 a. CAREER II TEACHER.

15 (1) A career II teacher is a teacher who meets the

16 requirements of subsection 1, paragraph "b", has met  
17 the requirements established by the school district  
18 that employs the teacher, and is evaluated by the  
19 school district as demonstrating the competencies of a  
20 career II teacher. The teacher shall have  
21 successfully completed a comprehensive evaluation in  
22 order to be classified as a career II teacher.

23 (2) It is the intent of the general assembly that  
24 the participating district shall establish a minimum  
25 salary for a career II teacher that is at least five  
26 thousand dollars greater than the minimum career  
27 teacher salary. It is further intended that the  
28 district shall adopt a plan that facilitates the  
29 transition of a career teacher to a career II level.

30 b. **ADVANCED TEACHER.**

31 (1) An advanced teacher is a teacher who meets the  
32 following requirements:

33 (a) Receives the recommendation of the review  
34 panel that the teacher possesses superior teaching  
35 skills and that the teacher should be classified as an  
36 advanced teacher.

37 (b) Holds a valid license from the board of  
38 educational examiners.

39 (c) Participates in teacher career development as  
40 outlined in this chapter and demonstrates continuous  
41 improvement in teaching.

42 (d) Possesses the skills and qualifications to  
43 assume leadership roles.

44 (2) It is the intent of the general assembly that  
45 the participating district shall establish a minimum  
46 salary for an advanced teacher that is at least  
47 thirteen thousand five hundred dollars greater than  
48 the minimum career teacher salary. In conjunction  
49 with the development of the review panel pursuant to  
50 section 284.9, the department shall make

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1 recommendations to the general assembly by January 1,  
2 2002, regarding the appropriate district-to-district  
3 recognition for advanced teachers and methods that  
4 facilitate the transition of a teacher to the advanced  
5 level.

6 3. A teacher shall be promoted one level at a time  
7 and a teacher promoted to the next career level shall  
8 remain at that level for at least one year before  
9 requesting promotion to the next career level.

10 4. A teacher employed in a participating district  
11 shall not receive less compensation in that  
12 participating district than the teacher received in  
13 the school year starting July 1, 2001, due to  
14 implementation of this chapter. A teacher who

15 achieves national board for professional teaching  
 16 standards certification and meets the requirements of  
 17 section 256.44 shall continue to receive the award  
 18 specified in section 256.44 in addition to the  
 19 compensation set forth in this section.

20 Sec. 10. NEW SECTION. 284.8 EVALUATION  
 21 REQUIREMENTS.

22 1. In addition to evaluations agreed upon under  
 23 chapter 20, a teacher shall be comprehensively  
 24 evaluated based on the provisions of section 284.3 at  
 25 least once every five years. Comprehensive  
 26 evaluations shall be conducted by an administrator or  
 27 the administrator's designee certified pursuant to  
 28 section 284.10. The evaluation shall include, at  
 29 minimum, classroom observation of the teacher, the  
 30 teacher's progress and implementation of the teacher's  
 31 individual career development plan, and should include  
 32 supporting documentation from other supervisors,  
 33 teachers, parents, and students. A teacher may be  
 34 comprehensively evaluated for purposes of performance  
 35 review and shall be comprehensively evaluated for  
 36 advancement in the career path established pursuant to  
 37 section 284.7.

38 2. If a teacher is denied advancement based upon a  
 39 comprehensive evaluation, the teacher may appeal the  
 40 decision to an adjudicator under the process  
 41 established under section 279.17. However, the  
 42 decision of the adjudicator is final. If a district  
 43 does not recommend a teacher for continued employment  
 44 or licensure based upon a comprehensive evaluation,  
 45 the provisions of sections 279.14, 279.17, and 279.18  
 46 shall apply. A teacher may file one cause of action  
 47 objecting to the contents or procedures of a  
 48 comprehensive evaluation and the objections shall not  
 49 be subject to the grievance procedures negotiated in  
 50 accordance with chapter 20.

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1 Sec. 11. NEW SECTION. 284.9 REVIEW PANEL.

2 1. A career II teacher seeking to receive an  
 3 advanced designation shall submit a portfolio of work  
 4 evidence aligned with the Iowa teaching standards to a  
 5 review panel established in accordance with subsection

6 2. A majority of the evidence in the portfolio shall  
 7 be classroom-based. The review panel shall evaluate  
 8 the career II teacher's portfolio to determine whether  
 9 the teacher demonstrates superior teaching skills and  
 10 shall make a recommendation to the board of  
 11 educational examiners whether or not the teacher shall  
 12 receive an advanced designation. The standards for  
 13 recommendation include, but are not limited to,

14 meeting the Iowa teaching standards at an advanced  
15 level.

16 2. The department shall establish up to five  
17 regional review panels consisting of five members per  
18 panel. Each panel shall include, at minimum, a  
19 nationally board-certified teacher and a school  
20 district administrator. Panel members shall be  
21 appointed by the director and shall possess the  
22 knowledge necessary to determine the quality of the  
23 evidence submitted in an applicant's portfolio. Panel  
24 members shall serve a staggered three-year term and  
25 may be reappointed to a second term. The department  
26 shall provide support and evaluation training for  
27 panel members and convene panels as needed. Panel  
28 members shall be reimbursed for mileage expenses  
29 incurred while engaged in the performance of official  
30 duties and shall receive per diem compensation by the  
31 department.

32 3. To assure fairness and consistency in the  
33 evaluation process, the review panels may perform  
34 random audits of the comprehensive evaluations  
35 conducted by evaluators throughout the state, and may  
36 randomly review performance-based evaluation models  
37 developed by school districts in accordance with  
38 section 284.3, subsection 2. The review of the  
39 evaluation models shall ensure that the model is at  
40 least equivalent to the state model developed pursuant  
41 to section 256.9, subsection 51.

42 4. A teacher who does not receive a recommendation  
43 from a review panel may appeal that denial to an  
44 administrative law judge located in the department of  
45 inspections and appeals. The state shall not be  
46 liable for a teacher's attorney fees, costs, or  
47 damages that may result from an appeal of a review  
48 panel's decision. The state board shall adopt rules  
49 to administer this section.

50 Sec. 12. NEW SECTION. 284.10 EVALUATOR TRAINING

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1 PROGRAM.

2 1. The department shall establish an evaluator  
3 training program to improve the skills of school  
4 district evaluators in making employment decisions,  
5 making recommendations for licensure, and moving  
6 teachers through a career path as established under  
7 this chapter. The department shall consult with  
8 persons representing teachers, national board-  
9 certified teachers, administrators, school boards,  
10 higher education institutions with approved  
11 practitioner and administrator preparation programs,  
12 and with persons from the private sector knowledgeable

13 in employment evaluation and evaluator training in  
14 order to develop standards and requirements for the  
15 program. Evaluator training programs offered pursuant  
16 to this chapter may be provided by a public or private  
17 entity. The department shall distribute a list of  
18 evaluator training program providers to each school  
19 district.

20 2. An administrator licensed under chapter 272 who  
21 conducts evaluations of teachers for purposes of this  
22 chapter shall complete the evaluator training program.  
23 A practitioner licensed under chapter 272 who is not  
24 an administrator may enroll in the evaluator training  
25 program. Enrollment preference shall be given to  
26 administrators. Upon successful completion, the  
27 provider shall certify that the administrator or other  
28 practitioner is qualified to conduct evaluations for  
29 employment, make recommendations for licensure, and  
30 make recommendations that a teacher is qualified to  
31 advance from one career path level to the next career  
32 path level pursuant to this chapter. Certification is  
33 for a period of five years and may be renewed.

34 3. Effective until July 1, 2004, a school district  
35 shall be paid, from moneys allocated pursuant to  
36 section 284.13, subsection 1, paragraph "d", the  
37 amount of one thousand dollars for each individual who  
38 is licensed as an administrator under chapter 272 on  
39 or after July 1, 2001, and who has been certified in  
40 accordance with this section. The district shall  
41 compensate the administrator who achieves  
42 certification not less than one thousand dollars. If  
43 funds are available from moneys appropriated for  
44 purposes of this subsection, practitioners other than  
45 administrators who are certified in accordance with  
46 this section are eligible to be compensated in an  
47 amount determined by the department, which shall not  
48 exceed one thousand dollars and shall be prorated  
49 based upon the amount appropriated that remains after  
50 the amount needed for distribution to the

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1 administrators pursuant to this section has been  
2 determined by the department. By October 1 annually,  
3 the school district shall notify the department of  
4 education of the number of individuals who have  
5 achieved certification in accordance with this  
6 section, and shall submit any documentation requested  
7 by the department.

8 4. By July 1, 2002, a higher education institution  
9 approved by the state board to provide an  
10 administrator preparation program shall incorporate  
11 the evaluator training program into the program

12 offered by the institution.

13 5. Beginning July 1, 2002, the board of  
14 educational examiners shall require certification as a  
15 condition of issuing or renewing an administrator's  
16 license.

17 6. By July 1, 2004, the director shall develop and  
18 implement an evaluator training certification renewal  
19 program for administrators who need to renew a  
20 certificate issued pursuant to this section.

21 Sec. 13. NEW SECTION. 284.11 PILOT PROGRAM FOR  
22 TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.

23 1. It is the intent of the general assembly to  
24 create a statewide team-based variable pay program to  
25 reward individual attendance centers for improvement  
26 in student achievement. A pilot program is  
27 established to give Iowa school districts with one or  
28 more participating attendance centers the opportunity  
29 to explore and demonstrate successful methods to  
30 implement team-based variable pay.

31 2. A participating school district may use moneys  
32 appropriated for purposes of this chapter to provide a  
33 cash award to all of the licensed practitioners at a  
34 participating attendance center that has demonstrated  
35 improvement in student achievement as provided in this  
36 section. The school district is encouraged to extend  
37 cash awards to other staff employed at the attendance  
38 center.

39 3. The principal, with the participation of a team  
40 of licensed practitioners appointed by the principal,  
41 at each participating attendance center within a  
42 school district shall annually submit district  
43 attendance center student performance goals to the  
44 school board for approval. The attendance center  
45 goals must be aligned with the school improvement  
46 goals for the district developed in accordance with  
47 section 256.7, subsection 21. The district shall  
48 determine the designation of an attendance center for  
49 purposes of this section. The attendance center  
50 student performance goals may differ from attendance

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1 center to attendance center and may contain goals and  
2 indicators in addition to the comprehensive school  
3 improvement plan. An attendance center shall  
4 demonstrate student achievement through the use of  
5 multiple measures that are valid and reliable.

6 4. Each participating district shall create its  
7 own design for a team-based pay plan linked to the  
8 district's comprehensive school improvement plan. The  
9 plan must include attendance center student  
10 performance goals, student performance levels,

11 multiple indicators to determine progress toward  
12 attendance center goals, and a system for providing  
13 financial rewards. The team-based pay plan shall be  
14 approved by the local board.

15 5. Each district team-based pay plan shall be  
16 reviewed by the department. The department shall  
17 include a review of the locally established goals,  
18 targeted levels of improvement, assessment strategies,  
19 and financial reward system.

20 6. A district electing to initiate a team-based  
21 variable pay plan according to this section during the  
22 school year beginning July 1, 2001, shall notify the  
23 department of its election in writing no later than  
24 August 1, 2001. The department shall certify the  
25 school district plan by October 1, 2001.

26 7. A team-based performance award program fund is  
27 established in the state treasury under the control of  
28 the department. The district team-based pay plan  
29 shall specify how the funding received by the district  
30 for purposes of this section is to be awarded to  
31 eligible staff in attendance centers that meet or  
32 exceed their goals. The district shall provide all  
33 attendance centers equal access to the available  
34 funds. Moneys shall be released by the department to  
35 the district only upon certification by the school  
36 board that an attendance center has met or exceeded  
37 its goals.

38 8. Moneys received for purposes of this section  
39 shall not be used for payment of any collective  
40 bargaining agreement or arbitrator's decision  
41 negotiated or awarded under chapter 20.

42 Sec. 14. NEW SECTION. 284.12 REPORT.

43 1. The department shall annually report the  
44 statewide progress on the following:

- 45 a. Students achievement scores in mathematics and  
46 reading at the fourth and eighth grade levels on a  
47 district-by-district basis.
- 48 b. Improvement in teacher compensation.
- 49 c. Evaluator training program.
- 50 d. Team-based variable pay for student

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1 achievement.

2 e. Changes and improvements in the evaluation of  
3 teachers under the Iowa teaching standards.

4 2. The report shall be made available to the  
5 chairpersons and ranking members of the senate and  
6 house committees on education, the state board, the  
7 governor, and school districts by January 1. School  
8 districts shall provide information as required by the  
9 department for the compilation of the report and for

10 accounting and auditing purposes.

11 3. Subject to an appropriation of sufficient funds  
12 by the general assembly, the department shall provide  
13 for a comprehensive independent evaluation of all  
14 components of the student achievement and teacher  
15 quality program and shall submit the results of the  
16 evaluation in the report submitted pursuant to  
17 subsection 2 on January 1, 2007.

18 4. In developing administrative rules for  
19 consideration by the state board, the department shall  
20 consult with persons representing teachers,  
21 administrators, school boards, approved practitioner  
22 preparation institutions, and other appropriate  
23 education stakeholders.

24 Sec. 15. NEW SECTION. 284.13 STATE PROGRAM  
25 ALLOCATION.

26 1. For each fiscal year in which moneys are  
27 appropriated by the general assembly for purposes of  
28 the student achievement and teacher quality program,  
29 the moneys shall be allocated as follows:

30 a. For the fiscal year beginning July 1, 2001, and  
31 ending June 30, 2002, the department shall reserve up  
32 to one million dollars of any moneys appropriated for  
33 purposes of this chapter. For each fiscal year in  
34 which moneys are appropriated by the general assembly  
35 for purposes of team-based variable pay pursuant to  
36 section 284.11, the amount of moneys allocated to  
37 school districts shall be in the proportion that the  
38 basic enrollment of a school district bears to the sum  
39 of the basic enrollments of all participating school  
40 districts for the budget year. However, the per pupil  
41 amount distributed to a school district shall not  
42 exceed one hundred dollars.

43 b. For the fiscal year beginning July 1, 2001, and  
44 ending June 30, 2002, to the department of education,  
45 the amount of one million nine hundred thousand  
46 dollars for the issuance of national board  
47 certification awards in accordance with section  
48 256.44.

49 c. For the fiscal year beginning July 1, 2001, and  
50 ending June 30, 2002, an amount up to two million four

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1 hundred thousand dollars for first-year beginning  
2 teachers, and for the fiscal year beginning July 1,  
3 2002, and succeeding fiscal years, an amount up to  
4 four million seven hundred thousand dollars for first-  
5 year and second-year beginning teachers, to the  
6 department of education for distribution to school  
7 districts for purposes of the beginning teacher  
8 mentoring and induction programs. A school district

9 shall receive one thousand three hundred dollars per  
10 beginning teacher participating in the program. If  
11 the funds appropriated for the program are  
12 insufficient to pay mentors and school districts as  
13 provided in this paragraph, the department shall  
14 prorate the amount distributed to school districts  
15 based upon the amount appropriated. Moneys received  
16 by a school district pursuant to this paragraph shall  
17 be expended to provide each mentor with an award of  
18 five hundred dollars per semester, at a minimum, for  
19 participation in the school district's beginning  
20 teacher mentoring and induction program; to implement  
21 the plan; and to pay any applicable costs of the  
22 employer's share of contributions to federal social  
23 security and the Iowa public employees' retirement  
24 system or a pension and annuity retirement system  
25 established under chapter 294, for such amounts paid  
26 by the district.

27 d. For the fiscal year beginning July 1, 2001, and  
28 ending June 30, 2002, up to one million five hundred  
29 thousand dollars to the department of education for  
30 purposes of establishing the evaluator training  
31 program, including but not limited to the development  
32 of criteria models; an evaluation process; the  
33 training of providers; development of a provider  
34 approval process; training materials and costs; for  
35 payment to practitioners under section 284.10,  
36 subsection 3, and to pay any applicable costs of the  
37 employer's share of contributions to federal social  
38 security and the Iowa public employees' retirement  
39 system or a pension and annuity retirement system  
40 established under chapter 294, for such amounts paid  
41 by the district; and for subsidies to school districts  
42 for training costs.

43 e. For the fiscal year beginning July 1, 2001, and  
44 ending June 30, 2002, up to one million five hundred  
45 thousand dollars to the department of education for  
46 purposes of implementing the career development  
47 program requirements of section 284.6, and the review  
48 panel requirements of section 284.9.

49 f. For the fiscal year beginning July 1, 2001, and  
50 ending June 30, 2002, the amount of moneys remaining

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1 from funds appropriated for purposes of this chapter  
2 after distribution as provided in paragraphs "a"  
3 through "e" and "g" shall be allocated to school  
4 districts in accordance with the following formula:  
5 (1) Fifty percent of the allocation shall be in  
6 the proportion that the basic enrollment of a school  
7 district bears to the sum of the basic enrollments of

8 all school districts in the state for the budget year.

9 (2) Fifty percent of the allocation shall be based  
10 upon the proportion that the number of full-time  
11 equivalent teachers employed by a school district  
12 bears to the sum of the number of full-time equivalent  
13 teachers who are employed by all school districts in  
14 the state for the base year.

15 g. From moneys available under paragraph "f", the  
16 department shall allocate to area education agencies  
17 an amount per classroom teacher employed by an area  
18 education agency that is approximately equivalent to  
19 the average per teacher amount allocated to the  
20 districts. The average per teacher amount shall be  
21 calculated by dividing the total number of classroom  
22 teachers employed by school districts and the  
23 classroom teachers employed by area education agencies  
24 into the total amount of moneys available under  
25 subsection 3.

26 2. A school district that is unable to meet the  
27 provisions of section 284.7, subsection 1, with funds  
28 allocated pursuant to subsection 1, paragraph "f", may  
29 request a waiver from the department to use funds  
30 appropriated under chapter 256D to meet the provisions  
31 of section 284.7, subsection 1, if the difference  
32 between the funds allocated to the school district  
33 pursuant to subsection 1, paragraph "f", and the  
34 amount required to comply with section 284.7,  
35 subsection 1, is not less than ten thousand dollars.  
36 The department shall consider the average class size  
37 of the school district, the school district's actual  
38 unspent balance from the preceding year, and the  
39 school district's current financial position.

40 3. If a school district does not choose to  
41 participate in the student achievement and teacher  
42 quality program during the school year beginning July  
43 1, 2001, the amount of moneys to be allocated to the  
44 school district pursuant to subsection 1, paragraph  
45 "f", shall be held for the school district by the  
46 department until June 30, 2003, or until the school  
47 district participates in the program, whichever occurs  
48 earlier. Notwithstanding section 8.33, unencumbered  
49 or unobligated funds remaining on June 30, 2002, shall  
50 not revert but shall be available for expenditure for

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1 the following fiscal year for the purposes of this  
2 chapter.

3 4. Moneys received by a school district under this  
4 chapter are miscellaneous income for purposes of  
5 chapter 257 or are considered encumbered. A school  
6 district shall maintain a separate listing within its

7 budget for payments received and expenditures made  
8 pursuant to this section.

9 Sec. 16. Section 256.9, Code 2001, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 51. Develop models of core  
12 knowledge and skill criteria, based upon the Iowa  
13 teaching standards, for the evaluation, the  
14 advancement, and for teacher career development  
15 purposes pursuant to chapter 284. The model criteria  
16 shall further define the characteristics of quality  
17 teaching as established by the Iowa teaching  
18 standards.

19 Sec. 17. Section 272.2, subsection 1, Code 2001,  
20 is amended to read as follows:

21 1. a. License practitioners, who do not hold or  
22 receive a license from another professional licensing  
23 board, ~~and professional development programs, except~~  
24 ~~for programs developed and offered by practitioner~~  
25 ~~preparation institutions or area education agencies~~  
26 ~~and approved by the state board of education.~~

27 Licensing authority includes the authority to  
28 establish criteria for the licenses, ~~including but not~~  
29 ~~limited to,~~ establish issuance and renewal  
30 requirements, ~~creation of create~~ application and  
31 renewal forms, ~~creation of create~~ licenses that  
32 authorize different instructional functions or  
33 specialties, ~~development of develop~~ a code of  
34 professional rights and responsibilities, practice,  
35 and ethics, and ~~the authority to~~ develop any other  
36 classifications, distinctions, and procedures which  
37 may be necessary to exercise licensing duties. A code  
38 of professional rights and responsibilities, practice,  
39 and ethics shall address but not be limited to the  
40 habitual failure of a practitioner to fulfill  
41 contractual obligations under section 279.13.

42 b. Notwithstanding section 272.28, subsection 1, a  
43 teacher shall be licensed in accordance with rules  
44 adopted pursuant to chapter 272, Code 2001, if the  
45 teacher successfully completes a beginning teacher  
46 mentoring program approved pursuant to chapter 256E on  
47 or before June 30, 2002, or is employed by a school  
48 district that does not offer a beginning teacher  
49 mentoring and induction program approved in accordance  
50 with this chapter during the school year beginning

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1 July 1, 2001.

2 c. Notwithstanding section 272.28, subsection 1, a  
3 teacher shall receive an educational license if the  
4 teacher meets the licensing requirements of this  
5 chapter and, prior to July 1, 2003, successfully

6 completes a two-year beginning teacher mentoring and  
 7 induction program approved pursuant to this chapter.  
 8 Sec. 18. NEW SECTION. 272.28 MENTORING AND  
 9 INDUCTION REQUIREMENT.

10 1. Effective July 1, 2003, requirements for  
 11 teacher licensure beyond a provisional license shall  
 12 include successful completion of a beginning teacher  
 13 mentoring and induction program approved by the state  
 14 board of education.

15 2. A teacher from an accredited nonpublic school  
 16 or another state or country is exempt from the  
 17 requirement of subsection 1 if the teacher can  
 18 document three years of successful teaching experience  
 19 within the past five years and meet or exceed the  
 20 requirements contained in rules adopted under this  
 21 chapter for endorsement and licensure.

22 Sec. 19. Section 279.19, unnumbered paragraphs 1  
 23 and 2, Code 2001, are amended to read as follows:

24 The first ~~three~~ two consecutive years of employment  
 25 of a teacher in the same school district are a  
 26 probationary period. However, if the teacher has  
 27 successfully completed a probationary period of  
 28 employment for another school district located in  
 29 Iowa, the probationary period in the current district  
 30 of employment shall not exceed one year. A board of  
 31 directors may waive the probationary period for any  
 32 teacher who previously has served a probationary  
 33 period in another school district and the board may  
 34 extend the probationary period for an additional year  
 35 with the consent of the teacher.

36 Notwithstanding the two-year probationary period  
 37 otherwise provided for in this section, if a school  
 38 district offers a beginning teacher a third year of a  
 39 beginning teacher mentoring and induction program, and  
 40 the teacher accepts the school district's offer, the  
 41 teacher's probationary period shall continue through  
 42 the teacher's third year of employment.

43 In the case of the termination of a probationary  
 44 teacher's contract, the provisions of sections 279.15  
 45 and 279.16 shall apply.

46 Sec. 20. Chapter 256E, Code 2001, is repealed.

47 Sec. 21. Section 272.33, Code 2001, is repealed  
 48 effective July 1, 2002.

49 Sec. 22. STATE MANDATE FUNDING SPECIFIED. In  
 50 accordance with section 25B.2, subsection 3, the state

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1 cost of requiring compliance with any state mandate  
 2 included in this Act shall be paid by a school  
 3 district from state school foundation aid received by  
 4 the school district under section 257.16. This

5 specification of the payment of the state cost shall  
 6 be deemed to meet all the state funding-related  
 7 requirements of section 25B.2, subsection 3, and no  
 8 additional state funding shall be necessary for the  
 9 full implementation of this Act by and enforcement of  
 10 this Act against all affected school districts.

11 Sec. 23. LEGISLATIVE IMPLEMENTATION COMMITTEE.

12 The legislative council is requested to establish a  
 13 two-year legislative implementation committee to study  
 14 and make recommendations regarding the implementation  
 15 of chapter 284, as enacted by this Act, including, but  
 16 not limited to, valid, reliable measures that school  
 17 districts can use to determine growth in student  
 18 achievement and performance on locally determined  
 19 indicators; development of a process to review  
 20 district level and building level student achievement  
 21 goals and goal-setting; the appropriate level of  
 22 funding for team-based variable pay; and an ongoing  
 23 evaluation to determine the effectiveness of the  
 24 student achievement and teacher quality program. The  
 25 committee shall recommend a team-based variable pay  
 26 plan model and a timeline for implementation of the  
 27 plan. The legislative council is also requested to  
 28 authorize up to \$25,000 for the expenses of the  
 29 committee. The committee shall monitor the progress  
 30 of team-based variable pay pilot programs.

31 The committee shall submit preliminary  
 32 recommendations to the general assembly by December  
 33 15, 2001, and shall make its final recommendations to  
 34 the general assembly by December 15, 2002.

35 The committee shall be composed of eleven members  
 36 and shall include the following:

37 1. Three members appointed by the president of the  
 38 senate after consultation with the majority leader of  
 39 the senate and the minority leader of the senate.

40 2. Three members appointed by the speaker of the  
 41 house of representatives after consultation with the  
 42 majority and minority leaders of the house of  
 43 representatives.

44 3. The director of the department of education or  
 45 the director's designee.

46 4. One member who shall be appointed by the Iowa  
 47 association of school boards.

48 5. One member who shall be appointed by the school  
 49 administrators of Iowa.

50 6. One member who shall be appointed by the Iowa

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1 state education association.

2 7. One member who shall be appointed by the

3 governor to represent the office of the governor.

4 It is the intent of the general assembly that the  
 5 legislative implementation committee oversee the  
 6 implementation of the policies established pursuant to  
 7 this Act."  
 8 2. Title page, line 2, by inserting after the  
 9 word "program" the following: "and making an  
 10 appropriation"."

MIKE CONNOLLY  
 PATRICK J. DELUHERY  
 TOM FLYNN  
 MARK SHEARER  
 JOHN P. KIBBIE  
 JACK HOLVECK  
 ROBERT E. DVORSKY  
 BETTY A. SOUKUP

**S-3592**

HOUSE AMENDMENT TO  
 SENATE FILE 528

1 Amend Senate File 528, as passed by the Senate, as  
 2 follows:

3 1. Page 5, by inserting after line 23 the  
 4 following:

5 "Sec. \_\_\_\_\_. There is appropriated from the road use  
 6 tax fund to the department of general services for the  
 7 fiscal year beginning July 1, 2001, and ending June  
 8 30, 2002, the following amount, or so much thereof as  
 9 is necessary, to be used for the purpose designated:

10 For planning and design of a state institutional  
 11 road that shall be an extension of Twelfth street  
 12 south of Court avenue, adjacent to the new judicial  
 13 building in Des Moines:

14 .....\$ 34,000

15 Notwithstanding section 8.33, moneys appropriated  
 16 in this section that remain unencumbered or  
 17 unobligated at the close of the fiscal year shall not  
 18 revert but shall remain available for expenditure for  
 19 the purpose designated until the close of the fiscal  
 20 year that begins July 1, 2004.

21 For purposes of this section, a "state  
 22 institutional road" is part of the state park, state  
 23 institution, and other state land road system, as  
 24 defined in section 306.3."

25 2. Title page, line 3, by inserting after the  
 26 word "transportation" the following: "and the  
 27 department of general services".

28 3. By renumbering as necessary.

S-3593

1 Amend House File 732, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 63, by inserting after line 35 the  
4 following:

5 "Sec. \_\_\_\_ Section 426B.2, subsection 3, Code  
6 2001, is amended to read as follows:

7 3. The director of human services shall draw  
8 warrants on the property tax relief fund, payable to  
9 the county treasurer in the amount due to a county in  
10 accordance with subsection 1 and mail the warrants to  
11 the county auditors in ~~September~~ July and ~~March~~  
12 January of each year."

13 2. Page 64, by striking lines 20 through 28 and  
14 inserting the following:

15 "Sec. 101. 2000 Iowa Acts, chapter 1232, section  
16 1, is amended to read as follows:

17 SECTION 1. COUNTY MENTAL HEALTH, MENTAL  
18 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED  
19 GROWTH FACTOR ADJUSTMENT ~~AND ALLOCATIONS~~. There is  
20 appropriated from the general fund of the state to the  
21 department of human services for the fiscal year  
22 beginning July 1, 2001, and ending June 30, 2002, the  
23 following amount, or so much thereof as is necessary,  
24 to be used for the purpose designated:

25 For distribution to counties of the county mental  
26 health, mental retardation, and developmental  
27 disabilities allowed growth factor adjustment, ~~in~~  
28 ~~accordance with section 331.438, subsection 2, and~~  
29 ~~section 331.439, subsection 3, and chapter 426B in~~  
30 accordance with law:

31 .....	\$ 26,492,712
32 .....	<u>24,887,428</u>

33 The funding appropriated in this section is the  
34 allowed growth factor adjustment for fiscal year 2001-  
35 2002, and is allocated as follows:

36 1. For distribution to counties for fiscal year 37 2001-2002 in accordance with the formula in section 38 331.438, subsection 2, paragraph "b": 39 .....	\$ 12,000,000
--	---------------

40 2. For deposit in the per capita expenditure 41 target pool created in the property tax relief fund 42 pursuant to section 426B.5, subsection 1: 43 .....	\$ 10,492,712
44 .....	<u>12,492,712</u>

45 ~~In addition to the requirement of section 426B.5,~~  
46 ~~subsection 1, paragraph "c", limiting eligibility for~~  
47 ~~moneys appropriated in this paragraph to counties~~  
48 ~~levying the maximum amount allowed, both of the~~  
49 ~~following eligibility requirements are applicable:~~

50 a. ~~In the fiscal year beginning July 1, 2000, the~~

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1 county's services fund ending balance under generally  
2 accepted accounting principles was equal to or less  
3 than 35 percent of the county's projected expenditures  
4 for that fiscal year.

5 ~~b. The county is in compliance with the filing  
6 date requirements under section 331.403.~~

7 ~~3. For deposit in the incentive and efficiency  
8 pool created in the property tax relief fund pursuant  
9 to section 426B.5, subsection 2:~~

10 ..... \$ -2,000,000

11 ~~4. 3. For deposit in the risk pool created in the  
12 property tax relief fund pursuant to section 426B.5,  
13 subsection 3:~~

14 .....\$ 2,000,000

15 ..... 394,716

16 Sec. \_\_. COUNTY MENTAL HEALTH, MENTAL  
17 RETARDATION, AND DEVELOPMENTAL DISABILITIES (MH/MR/DD)  
18 ALLOWED GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS --  
19 REVISED ALLOCATIONS FOR FY 2001-2002.

20 1. Notwithstanding any contrary provisions of  
21 sections 225C.7, 331.438, subsection 2, 331.439,  
22 subsection 3, and 426B.5, and 2000 Iowa Acts, chapter  
23 1232, section 1, as amended by this Act, the moneys  
24 appropriated in this Act, for distribution to counties  
25 in the fiscal year beginning July 1, 2001, for  
26 purposes of the mental health and developmental  
27 disabilities (MH/DD) community services fund under  
28 section 225C.7, and for the allowed growth factor  
29 adjustment for services paid under a county's section  
30 331.424A mental health, mental retardation, and  
31 developmental disabilities services fund shall be  
32 subject to withholding as provided in this section.

33 2. After applying the applicable statutory  
34 distribution formulas to the amounts specified in the  
35 appropriations made in this Act for the MH/DD  
36 community services fund and for allowed growth in  
37 section 101, as amended by this Act, the department of  
38 human services shall apply a withholding factor to  
39 adjust the actual amount of the funding to be  
40 distributed to an eligible individual county. An  
41 ending balance percentage for each county shall be  
42 determined by calculating the county's ending balance  
43 on a modified accrual basis under generally accepted  
44 accounting principles for the fiscal year beginning  
45 July 1, 2000, in the county's mental health, mental  
46 retardation, and developmental disabilities services  
47 fund created under section 331.424A, as a percentage  
48 of the county's gross expenditures from that fund for  
49 the fiscal year. The withholding factor for a county  
50 shall be the following applicable percent:

Page 3

- 1 a. For an ending balance percentage of less than  
2 15 percent, a withholding factor of 0 percent.
- 3 b. For an ending balance percentage of 15 through  
4 24 percent, a withholding factor of 12.8 percent.
- 5 c. For an ending balance percentage of 25 through  
6 34 percent, a withholding factor of 35 percent.
- 7 d. For an ending balance percentage of 35 through  
8 44 percent, a withholding factor of 67.25 percent.
- 9 e. For an ending balance percentage of 45 percent  
10 or more, a withholding factor of 100 percent.
- 11 3. The total withholding amounts applied pursuant  
12 to subsection 2 shall be equal to a withholding target  
13 amount of \$15,554,307 and the appropriations made in  
14 this Act for the MH/DD community services fund and for  
15 MH/MR/DD allowed growth as amended in section 101 of  
16 this Act, shall each be reduced by 50 percent of the  
17 withholding target amount. If the department of human  
18 services determines that the amount to be withheld in  
19 accordance with subsection 2 is not equal to the  
20 target withholding amount, the department shall adjust  
21 the ending balance percentage ranges listed in  
22 subsection 2, as necessary to achieve the withholding  
23 target amount.
- 24 4. Only those counties that are in compliance with  
25 the December 1, 2001, filing deadline for the county  
26 annual financial report in accordance with section  
27 331.403 are eligible to receive a funding distribution  
28 under this section. The amount that would otherwise  
29 be available for distribution to a county that fails  
30 to so comply shall be proportionately distributed  
31 among the eligible counties.
- 32 5. The department of human services shall  
33 authorize the issuance of warrants payable to the  
34 county treasurer for the distribution amounts due to  
35 the counties eligible under this section and  
36 notwithstanding prior practice for the MH/DD community  
37 services fund, the warrants shall be issued in January  
38 2002."
- 39 3. By renumbering as necessary.

KEN VEENSTRA

**S-3594**

- 1 Amend the amendment, S-3587 to House File 732, as  
2 amended, passed, and reprinted by the House, as  
3 follows:
- 4 1. Page 1, by striking lines 13 through 34, and  
5 inserting the following: "following amount or so much  
6 thereof as is necessary for transfer to the department

7 of human rights to be used for the low-income home  
 8 energy assistance program:  
 9 .....\$ 987,181"

ROBERT E. DVORSKY

**S-3595**

1 Amend the amendment, S-3583, to Senate File 476, as  
 2 follows:  
 3 1. Page 12, by striking lines 31 through 36 and  
 4 inserting the following: "implement team-based  
 5 variable pay."

BILL FINK

**S-3596**

1 Amend the amendment, S-3583, to Senate File 476, as  
 2 follows:  
 3 1. Page 8, by striking lines 29 through 32.  
 4 2. Page 8, by striking lines 44 through 46, and  
 5 inserting the following: "the minimum career teacher  
 6 salary. The department shall make".  
 7 3. By striking page 10, line 16 through page 11,  
 8 line 10.  
 9 4. By renumbering as necessary.

BILL FINK

**S-3597**

1 Amend the amendment, S-3583, to Senate File 476, as  
 2 follows:  
 3 1. Page 8, line 27, by inserting after the word  
 4 "who" the following: "holds a permanent professional  
 5 license or who otherwise".

PATRICIA HARPER

**S-3598**

1 Amend the amendment, S-3306, to House File 637, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. By striking page 1, line 3 through page 2,  
 5 line 11.  
 6 2. Page 2, by inserting after line 14 the  
 7 following:  
 8 "\_\_\_\_. Page 7, by inserting after line 15 the  
 9 following:

10 " \_\_\_\_\_. The commission of libraries shall adopt  
 11 rules providing for the coordination of appointments  
 12 made to the board of trustees in accordance with this  
 13 section.""

14 3. Page 3, by inserting after line 12 the  
 15 following:

16 " \_\_\_\_\_. Page 16, by striking lines 12 through 18  
 17 and inserting the following:

18 "Sec. \_\_\_\_\_. REGIONAL LIBRARY TERM EXPIRATION DATE.

19 Notwithstanding any provision to the contrary, the  
 20 terms of the regional library trustees elected in a  
 21 general election shall expire on July 1, 2001.""

22 4. By renumbering as necessary.

KITTY REHBERG

### S-3599

1 Amend House File 697, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 2, line 12, by striking the word "eleven"  
 4 and inserting the following: "twelve".

5 2. Page 2, line 14, by striking the word "member"  
 6 and inserting the following: "members".

7 3. Page 2, line 15, by striking the words and  
 8 letter "paragraph "f", the eleven" and inserting the  
 9 following: "paragraphs "f" and "h", the twelve".

10 4. Page 2, line 16, by striking the word "eleven"  
 11 and inserting the following: "twelve".

12 5. Page 2, by inserting after line 32 the  
 13 following:

14 "h. One representative designated by the Iowa  
 15 association of independent colleges."

MARY LOU FREEMAN

### S-3600

1 Amend House File 349, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 3, the  
 4 following:

5 "Sec. 500. Section 15E.193B, subsection 6,  
 6 paragraph b, Code 2001, is amended to read as follows:

7 b. Sales, services, and use tax refund for taxes  
 8 paid by an eligible business including an eligible  
 9 business acting as a contractor or subcontractor, as  
 10 provided in section 15.331A."

11 2. Page 12, by striking line 5, and inserting the  
 12 following:

13 "Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY.

- 14 1. Section 500 of this Act, being deemed of  
 15 immediate importance, takes effect upon enactment and  
 16 is retroactively applicable to July 1, 1998.  
 17 2. With the exception of section 500 of this Act,  
 18 this Act is".  
 19 3. Title page, lines 1 and 2, by striking the  
 20 words "a retroactive applicability date" and inserting  
 21 the following: "effective date and retroactive  
 22 applicability date provisions".  
 23 4. By renumbering as necessary.

SANDRA GREINER  
 STEVE KING

### S-3601

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 726

- 1 Amend the Senate amendment, H-1763, to House File  
 2 726, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, line 7, by striking the figure  
 5 "823.85" and inserting the following: "845.00".

### S-3602

- 1 Amend the House amendment, S-3571, to Senate File  
 2 499, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by inserting before line 3, the  
 5 following:  
 6 "\_\_\_\_. Page 1, by inserting before line 1, the  
 7 following:  
 8 "Section 1. Section 321.236, subsection 1,  
 9 paragraph a, Code 2001, is amended to read as follows:  
 10 a. May be charged and collected upon a simple  
 11 notice of a fine payable to the city clerk or clerk of  
 12 the district court, if authorized by ordinance. The  
 13 fine shall not exceed five dollars ~~except per~~  
 14 violation. The same parking violation shall not be  
 15 issued more than once per hour. Four separate  
 16 violations may be issued per violator on one simple  
 17 notice at the same location in a twenty-four-hour  
 18 period for overtime parking at a metered parking  
 19 location. If separate violations are issued in a  
 20 twenty-four-hour period the aggregate fine amount  
 21 shall not exceed twenty dollars per violator. The  
 22 fine for a snow route parking violations in which case  
 23 the fine violation shall not exceed twenty-five

24 dollars. The fine for a parking violation or for a  
 25 snow route violation may be increased up to ~~ten~~ five  
 26 dollars in excess of the fine for each violation if  
 27 the ~~parking~~ violation is not paid within thirty days  
 28 of the date upon which the violation occurred, if  
 29 authorized by ordinance. Violations of section  
 30 321L.4, subsection 2, may be charged and collected  
 31 upon a simple notice of a one hundred dollar fine  
 32 payable to the city clerk or clerk of the district  
 33 court, if authorized by ordinance. No costs or other  
 34 charges shall be assessed. All fines collected by a  
 35 city pursuant to this paragraph shall be retained by  
 36 the city and all fines collected by a county pursuant  
 37 to this paragraph shall be retained by the county.""

38 2. Page 1, by inserting after line 4, the  
 39 following:

40 " \_\_\_\_\_. Page 1, line 25, by striking the word  
 41 "dollars." and inserting the following: "dollars per  
 42 violation. Four separate violations may be issued per  
 43 violator on one citation at the same location in a  
 44 twenty-four-hour period. If separate violations are  
 45 issued in a twenty-four-hour period the aggregate fine  
 46 amount shall not exceed twenty dollars per violator."

47 \_\_\_\_\_. Page 1, line 26, by striking the words  
 48 "increases in an amount" and inserting the following:  
 49 "may be increased"."

50 3. Page 1, by inserting after line 6, the

Page 2

1 following:

2 "\_\_\_\_\_. Page 1, line 26, by striking the word  
 3 "dollars," and inserting the following: "dollars of  
 4 the fine or aggregate fine amount,""

5 4. Page 1, by inserting after line 8, the  
 6 following:

7 "\_\_\_\_\_. Page 1, line 32, by striking the word  
 8 "dollars." and inserting the following: "dollars or  
 9 if separate violations were issued the scheduled fine  
 10 shall be the aggregate fine amount which shall not  
 11 exceed twenty dollars.""

O. GENE MADDOX  
 MICHAEL E. GRONSTAL

**S-3603**

HOUSE AMENDMENT TO  
 SENATE FILE 516

1 Amend Senate File 516, as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 10, by striking the word  
4 "RETROACTIVE".
- 5 2. Page 1, by striking lines 19 and 20, and  
6 inserting the following: "applies to tax years  
7 beginning on or after January 1, 2002."
- 8 3. Title page, line 4, by striking the word  
9 "retroactive".

**S-3604**

- 1 Amend the amendment, S-3583, to Senate File 476, as  
2 follows:
- 3 1. Page 1, line 38, by striking the words "or  
4 conditional".
- 5 2. Page 3, line 4, by inserting after the word  
6 "students" the following: ", including the use of  
7 technology for curriculum integration".
- 8 3. Page 3, line 19, by striking the word "models"  
9 and inserting the following: "the model".
- 10 4. Page 3, line 27, by inserting after the word  
11 "agreement" the following: "annually".
- 12 5. Page 3, line 28, by striking the figure  
13 "2003,".
- 14 6. Page 3, by striking lines 29 through 31 and  
15 inserting the following: "school district's  
16 criteria."
- 17 7. Page 3, line 50, by inserting after the word  
18 "needs" the following: ", including the integration  
19 of technology into curriculum development,".
- 20 8. Page 9, line 15, by inserting after the word  
21 "increase" the following: "other than a cost of  
22 living increase".
- 23 9. Page 9, line 27, by inserting after the word  
24 "REQUIREMENTS" the following: "FOR CAREER, CAREER II,  
25 AND ADVANCED TEACHERS".
- 26 10. Page 9, line 34, by striking the word "may"  
27 and inserting the following: "should".
- 28 11. Page 9, line 46, by striking the words ", and  
29 should" and inserting the following: "; should".
- 30 12. Page 9, line 48, by inserting after the word  
31 "students" the following: "; and may include video  
32 portfolios as evidence of teaching practices".
- 33 13. Page 10, by inserting after line 15, the  
34 following:  
35 "4. This section applies only to career, career  
36 II, and advanced teachers."
- 37 14. Page 11, line 47, by striking the words "an  
38 administrator" and inserting the following: "a  
39 practitioner".
- 40 15. Page 12, by striking lines 37 and 38 and  
41 inserting the following:  
42 "2. All licensed practitioners at a".

43 16. Page 12, line 41, by inserting after the word  
 44 "section" the following: "shall share in cash awards  
 45 provided in accordance with this section".  
 46 17. Page 13, by inserting after line 1 the  
 47 following:  
 48 " \_\_\_\_\_. The department shall annually report to the  
 49 legislative education accountability and oversight  
 50 committee the student achievement scores in

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1 mathematics and reading at the fourth and eighth grade  
 2 levels on a district-by-district basis, as reported to  
 3 the local communities in accordance with section  
 4 256.7, subsection 21, paragraph "c".  
 5 18. Page 13, by striking lines 5 through 7.  
 6 19. Page 13, line 43, by striking the word "and".  
 7 20. Page 13, line 44, by inserting after the word  
 8 "stakeholders" the following: ", and the legislative  
 9 education accountability and oversight committee".  
 10 21. Page 17, by inserting after line 43, the  
 11 following:  
 12 "3. A teacher licensed pursuant to section 272.2,  
 13 subsection 13, paragraph "b", who meets the  
 14 requirements of section 272.2, subsection 13,  
 15 paragraph "c", is exempt from the requirement of  
 16 subsection 1."  
 17 22. Page 19, line 17, by striking the word  
 18 "IMPLEMENTATION" and inserting the following:  
 19 "EDUCATION ACCOUNTABILITY".  
 20 23. Page 19, line 19, by striking the word  
 21 "implementation" and inserting the following:  
 22 "education accountability".  
 23 24. Page 19, line 25, by striking the word  
 24 "establish" and inserting the following: "recommend".  
 25 25. Page 20, by striking lines 23 and 24, and  
 26 inserting the following: "legislative education  
 27 accountability and oversight committee oversee the  
 28 policies established pursuant to".  
 29 26. By renumbering, redesignating, and correcting  
 30 internal references as necessary.

MARY E. KRAMER

### S-3605

1 Amend House File 742, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 15, by inserting after line 35, the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 8.57, subsection 5, paragraph  
 6 e, Code 2001, is amended to read as follows:

7 e. Notwithstanding provisions to the contrary in  
8 sections 99D.17 and 99F.11, for the fiscal year  
9 beginning July 1, 2000, and for each fiscal year  
10 thereafter, not more than a total of sixty million  
11 dollars shall be deposited in the general fund of the  
12 state in any fiscal year pursuant to sections 99D.17  
13 and 99F.11. The next fifteen million dollars of the  
14 moneys directed to be deposited in the general fund of  
15 the state in a fiscal year pursuant to sections 99D.17  
16 and 99F.11 shall be deposited in the vision Iowa fund  
17 created in section 12.72 for the fiscal year beginning  
18 July 1, 2000, and for each fiscal year through the  
19 fiscal year beginning July 1, 2019. The next five  
20 million dollars of the moneys directed to be deposited  
21 in the general fund of the state in a fiscal year  
22 pursuant to sections 99D.17 and 99F.11 shall be  
23 deposited in the school infrastructure fund created in  
24 section 12.82 for the fiscal year beginning July 1,  
25 2000, and for each fiscal year thereafter until the  
26 principal and interest on all bonds issued by the  
27 treasurer of state pursuant to section 12.81 are paid,  
28 as determined by the treasurer of state. Once the  
29 deposits in the general fund of the state and the  
30 vision Iowa and school infrastructure funds are made,  
31 an amount sufficient to pay any amounts due during a  
32 fiscal year on bonds issued for construction of a  
33 multipurpose laboratory facility pursuant to sections  
34 12.29 and 12.29A, together with any interest due on  
35 the bonds during the fiscal year, shall be deposited  
36 in the multipurpose laboratory facility construction  
37 fund established in section 12.29A from the moneys  
38 directed to be deposited in the general fund of the  
39 state during the fiscal year pursuant to sections  
40 99D.17 and 99F.11. The total moneys in excess of the  
41 moneys deposited in the general fund of the state, the  
42 vision Iowa fund, ~~and~~ the school infrastructure fund,  
43 ~~and the multipurpose laboratory facility construction~~  
44 ~~fund,~~ in a fiscal year shall be deposited in the  
45 rebuild Iowa infrastructure fund and shall be used as  
46 provided in this section, notwithstanding section  
47 8.60.

48 Sec. \_\_\_\_ **NEW SECTION. 12.29 BONDING POWERS --**  
49 **STATE AGENCY PURCHASE OF REAL OR PERSONAL PROPERTY.**

50 1. The treasurer of state may issue bonds for the

1 purchase of real or personal property for use by a  
2 state agency if a constitutional majority of each  
3 house of the general assembly authorizes, and the  
4 governor approves, the treasurer of state to issue  
5 such bonds. The treasurer of state shall have all of

6 the powers necessary to issue and secure bonds for the  
7 purposes set forth in this section. The treasurer of  
8 state may issue bonds in principal amounts that are  
9 necessary to provide sufficient funds for the purposes  
10 authorized by the general assembly and the governor,  
11 the payment of interest on the bonds, the  
12 establishment of reserves to secure the bonds, the  
13 costs of issuance of the bonds, other expenditures of  
14 the treasurer of state incident to and necessary or  
15 convenient to carry out the bond issue for the  
16 authorized purchase of real or personal property. The  
17 bonds are investment securities and negotiable  
18 instruments within the meaning of and for purposes of  
19 the uniform commercial code.

20 2. Bonds issued under this section are payable  
21 solely and only out of moneys deposited in a special  
22 fund established by the general assembly and  
23 authorized by the governor and designated for the  
24 specific authorized purchase of real or personal  
25 property, and any bond reserve funds established for  
26 the specific authorized purchase, all of which may be  
27 deposited with trustees or depositories in accordance  
28 with bond or security documents and pledged by the  
29 treasurer to the payment thereof. Bonds issued under  
30 this section shall contain on their face a statement  
31 that the bonds do not constitute an indebtedness of  
32 the state. The treasurer of state shall not pledge  
33 the credit or taxing power of this state or any  
34 political subdivision of this state or make bonds  
35 issued pursuant to this section payable out of any  
36 moneys except moneys deposited in a special fund  
37 designated for the specific authorized purchase.

38 3. The proceeds of bonds issued by the treasurer  
39 of state and not required for immediate disbursement  
40 may be deposited with a trustee or depository as  
41 provided in the bond documents and invested or  
42 reinvested in any investment as directed by the  
43 department of general services and specified in the  
44 trust indenture, resolution, or other instrument  
45 pursuant to which the bonds are issued without regard  
46 to any limitation otherwise provided by law.

47 4. The bonds shall be:

48 a. In a form, issued in denominations, executed in  
49 a manner, and payable over terms and with rights of  
50 redemption, and be subject to such other terms and

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1 conditions as prescribed in the trust indenture,  
2 resolution, or other instrument authorizing their  
3 issuance.

4 b. Negotiable instruments under the laws of the

5 state and may be sold at prices, at public or private  
6 sale, and in a manner, as prescribed by the treasurer  
7 of state. Chapters 73A, 74, 74A, and 75 do not apply  
8 to the sale or issuance of the bonds.

9 c. Subject to the terms, conditions, and covenants  
10 providing for the payment of the principal, redemption  
11 premiums, if any, interest, and other terms,  
12 conditions, covenants, and protective provisions  
13 safeguarding payment, not inconsistent with this  
14 section and as determined by the trust indenture,  
15 resolution, or other instrument authorizing their  
16 issuance.

17 5. The bonds are securities in which public  
18 officers and bodies of this state; political  
19 subdivisions of this state; insurance companies and  
20 associations and other persons carrying on an  
21 insurance business; banks, trust companies, savings  
22 associations, savings and loan associations, and  
23 investment companies; administrators, guardians,  
24 executors, trustees, and other fiduciaries; and other  
25 persons authorized to invest in bonds or other  
26 obligations of the state, may properly and legally  
27 invest funds, including capital, in their control or  
28 belonging to them.

29 6. Bonds must be authorized by a trust indenture,  
30 resolution, or other instrument of the treasurer of  
31 state approved by the department of general services.  
32 However, a trust indenture, resolution, or other  
33 instrument authorizing the issuance of bonds may  
34 delegate to an employee of the department of general  
35 services the power to negotiate and fix the details of  
36 an issue of bonds.

37 7. Neither the resolution or trust agreement, or  
38 any other instrument by which a pledge is created  
39 needs to be recorded or filed under the Iowa uniform  
40 commercial code to be valid, binding, or effective.

41 8. Bonds issued under this section are declared to  
42 be issued for a general public and governmental  
43 purpose and all bonds issued under this section shall  
44 be exempt from taxation by the state of Iowa and the  
45 interest on the bonds shall be exempt from the state  
46 income tax and the state inheritance and estate tax.

47 9. The treasurer of state may issue bonds for the  
48 purpose of refunding any bonds or notes issued  
49 pursuant to this section then outstanding, including  
50 the payment of any redemption premiums thereon and any

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1 interest accrued or to accrue to the date of  
2 redemption of the outstanding bonds or notes. Until  
3 the proceeds of bonds issued for the purpose of

4 refunding outstanding bonds or notes are applied to  
5 the purchase or retirement of outstanding bonds or  
6 notes or the redemption of outstanding bonds or notes,  
7 the proceeds may be placed in escrow and be invested  
8 and reinvested in accordance with the provisions of  
9 this section. The interest, income, and profits  
10 earned or realized on an investment may also be  
11 applied to the payment of the outstanding bonds or  
12 notes to be refunded by purchase, retirement, or  
13 redemption. After the terms of the escrow have been  
14 fully satisfied and carried out, any balance of  
15 proceeds and interest earned or realized on the  
16 investments may be returned to the treasurer for  
17 deposit in the special fund designated for the  
18 specific authorized purchase. All refunding bonds  
19 shall be issued and secured and subject to the  
20 provisions of this chapter in the same manner and to  
21 the same extent as other bonds issued pursuant to this  
22 section.

23 Sec. \_\_\_\_ NEW SECTION. 12.29A MULTIPURPOSE  
24 LABORATORY FACILITY CONSTRUCTION FUND.

25 1. A multipurpose laboratory facility construction  
26 fund is created and established as a separate and  
27 distinct fund in the state treasury. The moneys are  
28 appropriated to the department of general services for  
29 purposes of construction of a multipurpose laboratory  
30 facility that will provide space for the use of the  
31 state medical examiner, for the laboratories of the  
32 department of agriculture and land stewardship and the  
33 division of criminal investigation of the department  
34 of public safety, and for the board of regents  
35 hygienic laboratory. The department may use the funds  
36 for purchasing land for construction of the facility,  
37 for planning, design, and construction of the  
38 facility, and for purchasing laboratory and  
39 telecommunications equipment for the facility.

40 2. The treasurer of state shall act as custodian  
41 of the fund and disburse moneys contained in the fund  
42 as directed by the department of general services,  
43 including automatic disbursements of funds received  
44 pursuant to the terms of bond indentures and documents  
45 and security provisions to trustees. The fund shall  
46 be administered by the department which shall make  
47 expenditures from the fund for expenses related to the  
48 purposes described in subsection 1 without further  
49 appropriation.

50 3. Revenue for the multipurpose laboratory

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1 facility construction fund shall include, but is not  
2 limited to, the following, which shall be deposited

3 with the treasurer of state or the treasurer's  
4 designee, as provided by any bond or security  
5 documents and credited to the fund:

6 a. The proceeds of bonds issued to capitalize and  
7 pay the costs of the fund and investment earnings on  
8 the proceeds.

9 b. Interest attributable to investment of moneys  
10 in the fund or on account of the fund.

11 c. Moneys in the form of a devise, gift, bequest,  
12 donation, federal or other grant, reimbursement,  
13 repayment, judgment, transfer, payment, or  
14 appropriation from any source intended to be used for  
15 purposes of the fund.

16 4. Moneys in the multipurpose laboratory facility  
17 construction fund are not subject to section 8.33.  
18 Notwithstanding section 12C.7, subsection 2, interest  
19 or earnings on moneys in the fund shall be credited to  
20 the fund.

21 5. a. The treasurer of state may create and  
22 establish one or more special funds, to be known as  
23 "bond reserve funds", to secure one or more issues of  
24 bonds or notes issued pursuant to section 12.29. The  
25 treasurer of state shall pay into each bond reserve  
26 fund any moneys appropriated and made available by the  
27 state or the treasurer for the purpose of the fund,  
28 any proceeds of sale of notes or bonds to the extent  
29 provided in the resolutions authorizing their  
30 issuance, and any other moneys which may be available  
31 to the treasurer for the purpose of the fund from any  
32 other sources. All moneys held in a bond reserve  
33 fund, except as otherwise provided in this chapter,  
34 shall be used as required solely for the payment of  
35 the principal of bonds secured in whole or in part by  
36 the fund or of the sinking fund payments with respect  
37 to the bonds, the purchase or redemption of the bonds,  
38 the payment of interest on the bonds, or the payments  
39 of any redemption premium required to be paid when the  
40 bonds are redeemed prior to maturity.

41 b. Moneys in a bond reserve fund shall not be  
42 withdrawn from it at any time in an amount that will  
43 reduce the amount of the fund to less than the bond  
44 reserve fund requirement established for the fund, as  
45 provided in this subsection, except for the purpose of  
46 making, with respect to bonds secured in whole or in  
47 part by the fund, payment when due of principal,  
48 interest, redemption premiums, and the sinking fund  
49 payments with respect to the bonds for the payment of  
50 which other moneys of the treasurer are not available.

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1 Any income or interest earned by, or incremental to, a  
2 bond reserve fund due to the investment of it may be  
3 transferred by the treasurer to other funds or  
4 accounts to the extent the transfer does not reduce  
5 the amount of that bond reserve fund below the bond  
6 reserve fund requirement for it.

7 c. The treasurer of state shall not at any time  
8 issue bonds, secured in whole or in part by a bond  
9 reserve fund if, upon the issuance of the bonds, the  
10 amount in the bond reserve fund will be less than the  
11 bond reserve fund requirement for the fund, unless the  
12 treasurer at the time of issuance of the bonds  
13 deposits in the fund from the proceeds of the bonds  
14 issued or from other sources an amount which, together  
15 with the amount then in the fund will not be less than  
16 the bond reserve fund requirement for the fund. For  
17 the purposes of this subsection, the term "bond  
18 reserve fund requirement" means, as of any particular  
19 date of computation, an amount of money, as provided  
20 in the resolutions authorizing the bonds with respect  
21 to which the fund is established.

22 d. To assure the continued solvency of any bonds  
23 secured by the bond reserve fund, provision is made in  
24 paragraph "a" for the accumulation in each bond  
25 reserve fund of an amount equal to the bond reserve  
26 fund requirement for the fund. In order further to  
27 assure maintenance of the bond reserve funds, the  
28 treasurer shall, on or before January 1 of each  
29 calendar year, make and deliver to the governor the  
30 treasurer's certificate stating the sum, if any,  
31 required to restore each bond reserve fund to the bond  
32 reserve fund requirement for that fund. Within thirty  
33 days after the beginning of the session of the general  
34 assembly next following the delivery of the  
35 certificate, the governor shall submit to both houses  
36 printed copies of a budget including the sum, if any,  
37 required to restore each bond reserve fund to the bond  
38 reserve fund requirement for that fund. Any sums  
39 appropriated by the general assembly and paid to the  
40 treasurer pursuant to this subsection shall be  
41 deposited by the authority in the applicable bond  
42 reserve fund.

43 6. Enactment of this section constitutes  
44 authorization by the general assembly and approved by  
45 the governor, as required under sections 12.29 and  
46 18.12A, for the issuance of bonds by the treasurer of  
47 state under section 12.29 for the purposes described  
48 in this section up to an aggregate principal amount of  
49 sixty-two million dollars.

50 Sec. \_\_. NEW SECTION. 12.29B PLEDGES.

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1 It is the intention of the general assembly that a  
2 pledge made in respect to bonds or notes shall be  
3 valid and binding from the time the pledge is made,  
4 that the moneys or property so pledged and received  
5 after the pledge by the treasurer of state shall  
6 immediately be subject to the lien of the pledge  
7 without physical delivery or further act, and that the  
8 lien of the pledge shall be valid and binding as  
9 against all parties having claims of any kind in tort,  
10 contract, or otherwise against the treasurer of state  
11 whether or not the parties have notice of the lien."

12 2. Page 16, by inserting before line 8, the  
13 following:

14 "Sec. \_\_\_\_ NEW SECTION. 18.12A BONDING FOR STATE  
15 AGENCY PURCHASE OF REAL OR PERSONAL PROPERTY.

16 If a constitutional majority of each house of the  
17 general assembly authorizes, and the governor  
18 approves, the treasurer of state to issue bonds for  
19 the purchase of real or personal property for use by a  
20 state agency as provided in section 12.29, the  
21 department shall cooperate with the treasurer of state  
22 in issuing the bonds and providing the information  
23 necessary to complete the issuance of the bonds."

24 3. Title page, line 16, by inserting after the  
25 word "changes," the following: "providing bonding  
26 authority to the treasurer of state for certain state  
27 projects and making a standing appropriation for  
28 payment of such bonds on a specific project,".

29 4. By renumbering, redesignating, and correcting  
30 internal references as necessary.

MIKE CONNOLLY

**S-3606**

1 Amend House File 742, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 10, line 17, by striking the figure  
4 "850,000" and inserting the following: "350,000".

5 2. Page 11, by inserting after line 32, the  
6 following:

7 "\_\_\_\_. For deposit in the agrichemical remediation  
8 fund as created in section 161.7 and appropriated  
9 exclusively to support agrichemical remediation as  
10 provided in chapter 161:

11 .....\$ 500,000"

12 3. By renumbering as necessary.

MARY A. LUNDBY

**S-3607**

1 Amend House File 742, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 14, by striking line 29, and inserting  
 4 the following:  
 5 "Sec. \_\_\_\_ REVERSION.  
 6 1. Except as provided in subsection 2, and  
 7 notwithstanding section 8.33, moneys".  
 8 2. Page 14, by inserting after line 35, the  
 9 following:  
 10 "2. Notwithstanding section 8.33, moneys  
 11 appropriated to the department of agriculture and land  
 12 stewardship to provide financial assistance for the  
 13 establishment of permanent soil and water conservation  
 14 practices as provided in section 20, that remain  
 15 unencumbered or unobligated at the close of the fiscal  
 16 year shall not revert but shall remain available for  
 17 expenditure for the purposes designated until the  
 18 close of the fiscal year that begins July 1, 2004."

SANDRA GREINER

**S-3608**

1 Amend House File 695, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 24, by inserting after the word  
 4 "subsection" the following: "if tuition is included  
 5 as part of a stipend paid by the employer to a  
 6 participant and can be identified as such".  
 7 2. Page 1, line 33, by striking the word  
 8 "nonpaid".  
 9 3. Page 2, line 3, by striking the word  
 10 "nonpaid".

MIKE CONNOLLY  
PAUL McKINLEY

**S-3609**

1 Amend House File 742, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 24 the  
 4 following:  
 5 "\_\_\_\_. To construct a 50-bed stand-alone community-  
 6 based correctional facility to replace the existing  
 7 34-bed leased facility in Fort Dodge:  
 8 .....\$ 2,400,000  
 9 \_\_\_\_\_. To construct a 50-bed expansion of the  
 10 existing 50-bed community-based correctional facility

11	in Ottumwa:	
12	.....	\$ 2,000,000
13	13 _____. To construct a 75-bed stand-alone community-	
14	14 based correctional facility in Sioux City:	
15	.....	\$ 3,600,000
16	16 _____. To construct a 25-bed stand-alone community-	
17	17 based correctional facility in Davenport:	
18	.....	\$ 1,200,000"
19	19 2. By renumbering as necessary.	

ROBERT E. DVORSKY  
EUGENE S. FRAISE

**S-3610**

1 Amend the amendment, S-3583, to Senate File 476 as  
2 follows:

3 1. By striking page 1, line 1, through page 20,  
4 line 37, and inserting the following:

5 "Amend Senate File 476 as follows:

6 1. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. INTENT. It is the intent of the  
9 general assembly to create a teacher quality program  
10 that acknowledges that outstanding teachers are a key  
11 component in student success. The program's goals are  
12 to redesign compensation strategies and teachers'  
13 professional development. Such compensation  
14 strategies are designed to attract and retain high  
15 performing teachers, to reward teachers for improving  
16 their skills and knowledge in a manner that translates  
17 into better student learning, and to reward the staff  
18 of school attendance centers for improvement in  
19 student achievement.

20 Sec. 2. NEW SECTION. 284.1 STUDENT ACHIEVEMENT  
21 AND TEACHER QUALITY PROGRAM.

22 A student achievement and teacher quality program  
23 is established to promote high student achievement.  
24 The program shall consist of the following four major  
25 elements:

26 1. Mentoring and induction programs that provide  
27 support for beginning teachers in accordance with  
28 sections 284.5 and 284.6.

29 2. Career paths with compensation levels that  
30 strengthen Iowa's ability to recruit and retain  
31 teachers.

32 3. Professional development designed to directly  
33 support best teaching practices.

34 4. Team-based variable pay that provides  
35 additional compensation when student performance  
36 improves.

37 Sec. 3. NEW SECTION. 284.2 DEFINITIONS.

38 As used in this chapter, unless the context  
39 otherwise requires:  
40 1. "Beginning teacher" means an individual serving  
41 under an initial provisional or conditional license,  
42 issued by the board of educational examiners under  
43 chapter 272, who is assuming a position as a classroom  
44 teacher.  
45 2. "Classroom teacher" means an individual who  
46 holds a valid practitioner's license and who is  
47 employed under a teaching contract with a school  
48 district or area education agency in this state to  
49 provide classroom instruction to students.  
50 3. "Comprehensive evaluation" means a summative

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1 evaluation of a teacher conducted by an evaluator for  
2 purposes of performance review, or recommendation for  
3 licensure based upon models developed pursuant to  
4 section 256.9, subsection 51, and to determine whether  
5 the teacher's practice meets the school district  
6 expectations for a career, career II, or advanced  
7 level.  
8 4. "Department" means the department of education.  
9 5. "Director" means the director of the department  
10 of education.  
11 6. "Evaluator" means an administrator or other  
12 practitioner who successfully completes an evaluator  
13 training program pursuant to section 284.10.  
14 7. "Mentor" means an individual employed by a  
15 school district or area education agency as a  
16 classroom teacher who holds a valid license issued  
17 under chapter 272. The individual must have a record  
18 of four years of successful teaching practice, must be  
19 employed as a classroom teacher on a nonprobationary  
20 basis, and must demonstrate professional commitment to  
21 both the improvement of teaching and learning and the  
22 development of beginning teachers.  
23 8. "School board" means the board of directors of  
24 a school district or a collaboration of boards of  
25 directors of school districts.  
26 9. "State board" means the state board of  
27 education.  
28 10. "Teacher" means an individual holding a  
29 practitioner's license issued under chapter 272, who  
30 is employed as a teacher, librarian, media specialist,  
31 or counselor in a nonadministrative position by a  
32 school district or area education agency pursuant to a  
33 contract issued by a board of directors under section  
34 279.13. A teacher may be employed in both an  
35 administrative and a nonadministrative position by a  
36 board of directors and shall be considered a part-time

37 teacher for the portion of time that the teacher is  
 38 employed in a nonadministrative position. "Teacher"  
 39 includes a licensed individual employed on a less than  
 40 full-time basis by a school district through a  
 41 contract between the school district and an  
 42 institution of higher education with a practitioner  
 43 preparation program in which the licensed teacher is  
 44 enrolled.

45 Sec. 4. NEW SECTION. 284.3 IOWA TEACHING  
 46 STANDARDS.

47 1. For purposes of this chapter and for developing  
 48 teacher evaluation criteria under chapter 279, the  
 49 Iowa teaching standards are as follows:

50 a. Demonstrates competence in content knowledge

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1 appropriate to the teaching position.

2 b. Demonstrates competence in planning and  
 3 preparing for instruction.

4 c. Uses strategies to deliver instruction that  
 5 meets the multiple learning needs of students.

6 d. Uses a variety of methods to monitor student  
 7 learning.

8 e. Demonstrates competence in classroom  
 9 management.

10 f. Engages in professional growth.

11 g. Fulfills professional responsibilities  
 12 established by the school district.

13 2. The school board and faculty shall collaborate  
 14 to further define good teaching by enhancing the Iowa  
 15 teaching standards in the following manner:

16 a. For purposes of comprehensive evaluations for  
 17 beginning teachers, including the comprehensive  
 18 evaluation required for the beginning teacher to  
 19 progress to career teacher, the criteria shall be  
 20 based upon models developed pursuant to section 256.9,  
 21 subsection 51, and established pursuant to chapter 20.

22 b. For purposes of comprehensive evaluations for  
 23 teachers other than beginning teachers, the school  
 24 board shall convene the members of the school board  
 25 and representatives of the faculty, elected by the  
 26 faculty, to establish criteria based upon models  
 27 developed pursuant to section 256.9, subsection 51.  
 28 If the parties are unable to reach agreement, however,  
 29 the model criteria shall become the school district's  
 30 criteria. These criteria shall be in addition to  
 31 criteria otherwise agreed to under chapter 20.

32 Sec. 5. NEW SECTION. 284.4 PARTICIPATION.

33 1. A school district is eligible to receive moneys  
 34 appropriated for purposes specified in this chapter if  
 35 the school board applies to the department to

36 participate in the student achievement and teacher  
37 quality program and submits a written statement  
38 declaring the school district's willingness to do all  
39 of the following:  
40 a. Commit and expend local moneys to improve  
41 student achievement and teacher quality.  
42 b. Implement a beginning teacher mentoring and  
43 induction program as provided in this chapter.  
44 c. Adopt a teacher career development program in  
45 accordance with this chapter.  
46 d. Adopt a teacher evaluation plan that, at  
47 minimum, requires a comprehensive evaluation of  
48 teachers in the participating district at least every  
49 five years based upon the Iowa teaching standards and  
50 requires administrators to complete evaluator training

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1 in accordance with section 284.10.  
2 e. Adopt teacher career paths based upon  
3 demonstrated knowledge and skills in accordance with  
4 this chapter.  
5 f. Adopt a team-based variable pay plan that  
6 rewards attendance center success when demonstrating  
7 improvement in meeting attendance center student  
8 achievement goals that are consistent with the  
9 district comprehensive school improvement plan.  
10 2. By July 1, 2003, each school district shall  
11 participate in the student achievement and teacher  
12 quality program.  
13 Sec. 6. NEW SECTION. 284.5 BEGINNING TEACHER  
14 MENTORING AND INDUCTION PROGRAM.  
15 1. A beginning teacher mentoring and induction  
16 program is created to promote excellence in teaching,  
17 enhance student achievement, build a supportive  
18 environment within school districts, increase the  
19 retention of promising beginning teachers, and promote  
20 the personal and professional well-being of classroom  
21 teachers. Prior to the completion of the 2001-2002  
22 school year, a school district shall, at a minimum,  
23 provide an approved beginning teacher mentoring and  
24 induction program for all classroom teachers who are  
25 beginning teachers.  
26 2. The state board shall adopt rules to administer  
27 this section.  
28 3. Notwithstanding subsection 1, a school district  
29 may provide a beginning teacher mentoring and  
30 induction program for all classroom teachers who are  
31 beginning teachers in the school years beginning July  
32 1, 2001, and July 1, 2002, and, notwithstanding  
33 section 284.4, subsection 1, a school district is  
34 eligible to receive moneys under section 284.13,

35 subsection 1, paragraph "c", for each fiscal year of  
36 the fiscal period beginning July 1, 2001, and ending  
37 June 30, 2003, to establish a beginning teacher  
38 mentoring and induction program in accordance with  
39 this section.

40 4. Each participating school district shall  
41 develop an initial beginning teacher mentoring and  
42 induction plan. The plan shall be included in the  
43 school district's comprehensive school improvement  
44 plan submitted pursuant to section 256.7, subsection  
45 21. The beginning teacher induction plan shall, at a  
46 minimum, provide for a two-year sequence of induction  
47 program content and activities to support the Iowa  
48 teaching standards and beginning teacher professional  
49 and personal needs; mentor training that includes, at  
50 a minimum, skills of classroom demonstration and

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1 coaching, and district expectations for beginning  
2 teacher competence on Iowa teaching standards;  
3 placement of mentors and beginning teachers; the  
4 process for dissolving mentor and beginning teacher  
5 partnerships; district organizational support for  
6 released time for mentors and beginning teachers to  
7 plan, provide demonstration of classroom practices,  
8 observe teaching, and provide feedback; structure for  
9 mentor selection and assignment of mentors to  
10 beginning teachers; a district facilitator; and  
11 program evaluation.

12 5. Upon completion of the program, the beginning  
13 teacher shall be comprehensively evaluated to  
14 determine if the teacher meets expectations to move to  
15 the career level. The school district shall recommend  
16 a beginning teacher who has successfully completed the  
17 program for an educational license. A school district  
18 may offer a teacher a third year of participation in  
19 the program if, after conducting a comprehensive  
20 evaluation, the school district determines that the  
21 teacher is likely to successfully complete the  
22 mentoring and induction program by the end of the  
23 third year of eligibility. A teacher granted a third  
24 year of eligibility shall develop a teacher's  
25 mentoring and induction program plan in accordance  
26 with this chapter and shall undergo a comprehensive  
27 evaluation at the end of the third year. The board of  
28 educational examiners shall grant a one-year extension  
29 of the beginning teacher's provisional license upon  
30 notification by the school district that the teacher  
31 will participate in a third year of the school  
32 district's program.

33 Sec. 7. NEW SECTION. 284.6 TEACHER CAREER

## 34 DEVELOPMENT.

35 1. The department shall coordinate a statewide  
36 network of career development for Iowa teachers. A  
37 participating school district or career development  
38 provider that offers a career development program in  
39 accordance with section 256.9, subsection 51, shall  
40 demonstrate that the program contains the following:  
41 a. Support that meets the career development needs  
42 of individual teachers and is aligned with the Iowa  
43 teaching standards.  
44 b. Research-based instructional strategies aligned  
45 with the school district's student achievement needs  
46 and the long-range improvement goals established by  
47 the district.  
48 c. Instructional improvement components including  
49 student achievement data, analysis, theory, classroom  
50 demonstration and practice, technology integration,

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1 observation, reflection, and peer coaching.  
2 d. An evaluation component that documents the  
3 improvement in instructional practice and the effect  
4 on student learning.  
5 2. The department shall identify models of career  
6 development practices that produce evidence of the  
7 link between teacher training and improved student  
8 learning.  
9 3. A participating school district shall  
10 incorporate a district career development plan into  
11 the district's comprehensive school improvement plan  
12 submitted to the department in accordance with section  
13 256.7, subsection 21. The district career development  
14 plan shall include a description of the means by which  
15 the school district will provide access to all  
16 teachers in the district to career development  
17 programs or offerings that meet the requirements of  
18 subsection 1. The plan shall align all career  
19 development with the school district's long-range  
20 student learning goals and the Iowa teaching  
21 standards. The plan shall indicate the school  
22 district's approved career development provider or  
23 providers.  
24 4. In cooperation with the teacher's supervisor,  
25 the teacher employed by a participating school  
26 district shall develop an individual teacher career  
27 development plan. The individual plan shall be based,  
28 at minimum, on the needs of the teacher, the Iowa  
29 teaching standards, and the student achievement goals  
30 of the attendance center and the school district as  
31 outlined in the comprehensive school improvement plan.  
32 The individual plan shall be reviewed by the teacher

33 and the teacher's supervisor on a periodic basis to  
 34 reflect the individual teacher's and the school  
 35 district needs and the individual's progress in the  
 36 plan.

37 5. School districts, a consortium of school  
 38 districts, area education agencies, higher education  
 39 institutions, and other public or private entities  
 40 including professional associations may be approved by  
 41 the state board to provide teacher career development.  
 42 The career development program or offering shall, at  
 43 minimum, meet the requirements of subsection 1. The  
 44 state board shall adopt rules for the approval of  
 45 career development providers and standards for the  
 46 district career development plan.

47 Sec. 8. NEW SECTION. 284.7 IOWA TEACHER CAREER  
 48 PATH.

49 To promote continuous improvement in Iowa's quality  
 50 teaching workforce and to give Iowa teachers the

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1 opportunity for career recognition that reflects the  
 2 various roles teachers play as educational leaders, an  
 3 Iowa teacher career path is established for teachers  
 4 employed by participating school districts. A  
 5 participating school district shall use funding  
 6 allocated under section 284.13, subsection 1,  
 7 paragraph "f", to raise teacher salaries to meet the  
 8 requirements of this section. The Iowa teacher career  
 9 path and salary minimums are as follows:

10 1. Effective July 1, 2001, the following career  
 11 path levels are established and shall be implemented  
 12 in accordance with this chapter:

13 a. BEGINNING TEACHER.

14 (1) A beginning teacher is a teacher who meets the  
 15 following requirements:

16 (a) Has successfully completed an approved  
 17 practitioner preparation program as defined in section  
 18 272.1.

19 (b) Holds a provisional teacher license issued by  
 20 the board of educational examiners.

21 (c) Participates in the beginning teacher  
 22 mentoring and induction program as provided in this  
 23 chapter.

24 (2) The participating district shall increase the  
 25 district's minimum salary for a first-year beginning  
 26 teacher by at least one thousand five hundred dollars  
 27 per year above the minimum salary paid to a first-year  
 28 beginning teacher in the previous year unless the  
 29 minimum salary for a first-year beginning teacher  
 30 exceeds twenty-eight thousand dollars.

31 b. CAREER TEACHER.

- 32 (1) A career teacher is a teacher who meets the  
33 following requirements:
- 34 (a) Has successfully completed the beginning  
35 teacher mentoring and induction program as provided in  
36 this chapter.
- 37 (b) Is reviewed by the school district as  
38 demonstrating the competencies of a career teacher.
- 39 (c) Holds a valid license issued by the board of  
40 educational examiners.
- 41 (d) Participates in teacher career development as  
42 set forth in this chapter and demonstrates continuous  
43 improvement in teaching.
- 44 (3) The participating district shall provide a two  
45 thousand dollar difference between the average  
46 beginning teacher salary and the minimum career  
47 teacher salary, unless the school district has a  
48 minimum career teacher salary that exceeds thirty  
49 thousand dollars.
- 50 2. It is the intent of the general assembly to

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- 1 establish and require the implementation of and  
2 provide for the implementation of the following  
3 additional career path levels by July 1, 2003:
- 4 a. CAREER II TEACHER.
- 5 (1) A career II teacher is a teacher who meets the  
6 requirements of subsection 1, paragraph "b", has met  
7 the requirements established by the school district  
8 that employs the teacher, and is evaluated by the  
9 school district as demonstrating the competencies of a  
10 career II teacher. The teacher shall have  
11 successfully completed a comprehensive evaluation in  
12 order to be classified as a career II teacher.
- 13 (2) It is the intent of the general assembly that  
14 the participating district shall establish a minimum  
15 salary for a career II teacher that is at least five  
16 thousand dollars greater than the minimum career  
17 teacher salary. It is further intended that the  
18 district shall adopt a plan that facilitates the  
19 transition of a career teacher to a career II level.
- 20 b. ADVANCED TEACHER.
- 21 (1) An advanced teacher is a teacher who meets the  
22 following requirements:
- 23 (a) Receives the recommendation of the review  
24 panel that the teacher possesses superior teaching  
25 skills and that the teacher should be classified as an  
26 advanced teacher.
- 27 (b) Holds a valid license from the board of  
28 educational examiners.
- 29 (c) Participates in teacher career development as  
30 outlined in this chapter and demonstrates continuous

31 improvement in teaching.

32 (d) Possesses the skills and qualifications to  
33 assume leadership roles.

34 (2) It is the intent of the general assembly that  
35 the participating district shall establish a minimum  
36 salary for an advanced teacher that is at least  
37 thirteen thousand five hundred dollars greater than  
38 the minimum career teacher salary. In conjunction  
39 with the development of the review panel pursuant to  
40 section 284.9, the department shall make  
41 recommendations to the general assembly by January 1,  
42 2002, regarding the appropriate district-to-district  
43 recognition for advanced teachers and methods that  
44 facilitate the transition of a teacher to the advanced  
45 level.

46 3. A teacher shall be promoted one level at a time  
47 and a teacher promoted to the next career level shall  
48 remain at that level for at least one year before  
49 requesting promotion to the next career level.

50 4. A teacher employed in a participating district

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1 shall not receive less compensation in that  
2 participating district than the teacher received in  
3 the school year starting July 1, 2001, due to  
4 implementation of this chapter. A teacher who  
5 achieves national board for professional teaching  
6 standards certification and meets the requirements of  
7 section 256.44 shall continue to receive the award  
8 specified in section 256.44 in addition to the  
9 compensation set forth in this section.

10 Sec. 9. NEW SECTION. 284.8 EVALUATION  
11 REQUIREMENTS.

12 1. In addition to evaluations agreed upon under  
13 chapter 20, a teacher shall be comprehensively  
14 evaluated based on the provisions of section 284.3 at  
15 least once every five years. Comprehensive  
16 evaluations shall be conducted by an administrator or  
17 the administrator's designee certified pursuant to  
18 section 284.10. The evaluation shall include, at  
19 minimum, classroom observation of the teacher, the  
20 teacher's progress and implementation of the teacher's  
21 individual career development plan, and should include  
22 supporting documentation from other supervisors,  
23 teachers, parents, and students. A teacher may be  
24 comprehensively evaluated for purposes of performance  
25 review and shall be comprehensively evaluated for  
26 advancement in the career path established pursuant to  
27 section 284.7.

28 2. If a teacher is denied advancement based upon a  
29 comprehensive evaluation, the teacher may appeal the

30 decision to an adjudicator under the process  
31 established under section 279.17. However, the  
32 decision of the adjudicator is final. If a district  
33 does not recommend a teacher for continued employment  
34 or licensure based upon a comprehensive evaluation,  
35 the provisions of sections 279.14, 279.17, and 279.18  
36 shall apply. A teacher may file one cause of action  
37 objecting to the contents or procedures of a  
38 comprehensive evaluation and the objections shall not  
39 be subject to the grievance procedures negotiated in  
40 accordance with chapter 20.

41 Sec. 10. NEW SECTION. 284.9 REVIEW PANEL.

42 1. A career II teacher seeking to receive an  
43 advanced designation shall submit a portfolio of work  
44 evidence aligned with the Iowa teaching standards to a  
45 review panel established in accordance with subsection  
46 2. A majority of the evidence in the portfolio shall  
47 be classroom-based. The review panel shall evaluate  
48 the career II teacher's portfolio to determine whether  
49 the teacher demonstrates superior teaching skills and  
50 shall make a recommendation to the board of

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1 educational examiners whether or not the teacher shall  
2 receive an advanced designation. The standards for  
3 recommendation include, but are not limited to,  
4 meeting the Iowa teaching standards at an advanced  
5 level.

6 2. The department shall establish up to five  
7 regional review panels consisting of five members per  
8 panel. Each panel shall include, at minimum, a  
9 nationally board-certified teacher and a school  
10 district administrator. Panel members shall be  
11 appointed by the director and shall possess the  
12 knowledge necessary to determine the quality of the  
13 evidence submitted in an applicant's portfolio. Panel  
14 members shall serve a staggered three-year term and  
15 may be reappointed to a second term. The department  
16 shall provide support and evaluation training for  
17 panel members and convene panels as needed. Panel  
18 members shall be reimbursed for mileage expenses  
19 incurred while engaged in the performance of official  
20 duties and shall receive per diem compensation by the  
21 department.

22 3. To assure fairness and consistency in the  
23 evaluation process, the review panels may perform  
24 random audits of the comprehensive evaluations  
25 conducted by evaluators throughout the state, and may  
26 randomly review performance-based evaluation models  
27 developed by school districts in accordance with  
28 section 284.3, subsection 2. The review of the

29 evaluation models shall ensure that the model is at  
30 least equivalent to the state model developed pursuant  
31 to section 256.9, subsection 51.

32 4. A teacher who does not receive a recommendation  
33 from a review panel may appeal that denial to an  
34 administrative law judge located in the department of  
35 inspections and appeals. The state shall not be  
36 liable for a teacher's attorney fees, costs, or  
37 damages that may result from an appeal of a review  
38 panel's decision. The state board shall adopt rules  
39 to administer this section.

40 Sec. 11. NEW SECTION. 284.10 EVALUATOR TRAINING  
41 PROGRAM.

42 1. The department shall establish an evaluator  
43 training program to improve the skills of school  
44 district evaluators in making employment decisions,  
45 making recommendations for licensure, and moving  
46 teachers through a career path as established under  
47 this chapter. The department shall consult with  
48 persons representing teachers, national board-  
49 certified teachers, administrators, school boards,  
50 higher education institutions with approved

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1 practitioner and administrator preparation programs,  
2 and with persons from the private sector knowledgeable  
3 in employment evaluation and evaluator training in  
4 order to develop standards and requirements for the  
5 program. Evaluator training programs offered pursuant  
6 to this chapter may be provided by a public or private  
7 entity. The department shall distribute a list of  
8 evaluator training program providers to each school  
9 district.

10 2. An administrator licensed under chapter 272 who  
11 conducts evaluations of teachers for purposes of this  
12 chapter shall complete the evaluator training program.  
13 A practitioner licensed under chapter 272 who is not  
14 an administrator may enroll in the evaluator training  
15 program. Enrollment preference shall be given to  
16 administrators. Upon successful completion, the  
17 provider shall certify that the administrator or other  
18 practitioner is qualified to conduct evaluations for  
19 employment, make recommendations for licensure, and  
20 make recommendations that a teacher is qualified to  
21 advance from one career path level to the next career  
22 path level pursuant to this chapter. Certification is  
23 for a period of five years and may be renewed.

24 3. Effective until July 1, 2004, a school district  
25 shall be paid, from moneys allocated pursuant to  
26 section 284.13, subsection 1, paragraph "d", the  
27 amount of one thousand dollars for each individual who

28 is licensed as an administrator under chapter 272 on  
29 or after July 1, 2001, and who has been certified in  
30 accordance with this section. The district shall  
31 compensate the administrator who achieves  
32 certification not less than one thousand dollars. If  
33 funds are available from moneys appropriated for  
34 purposes of this subsection, practitioners other than  
35 administrators who are certified in accordance with  
36 this section are eligible to be compensated in an  
37 amount determined by the department, which shall not  
38 exceed one thousand dollars and shall be prorated  
39 based upon the amount appropriated that remains after  
40 the amount needed for distribution to the  
41 administrators pursuant to this section has been  
42 determined by the department. By October 1 annually,  
43 the school district shall notify the department of  
44 education of the number of individuals who have  
45 achieved certification in accordance with this  
46 section, and shall submit any documentation requested  
47 by the department.  
48 4. By July 1, 2002, a higher education institution  
49 approved by the state board to provide an  
50 administrator preparation program shall incorporate

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1 the evaluator training program into the program  
2 offered by the institution.  
3 5. Beginning July 1, 2002, the board of  
4 educational examiners shall require certification as a  
5 condition of issuing or renewing an administrator's  
6 license.  
7 6. By July 1, 2004, the director shall develop and  
8 implement an evaluator training certification renewal  
9 program for administrators who need to renew a  
10 certificate issued pursuant to this section.  
11 Sec. 12. **NEW SECTION. 284.11 PILOT PROGRAM FOR**  
12 **TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.**  
13 1. It is the intent of the general assembly to  
14 create a statewide team-based variable pay program to  
15 reward individual attendance centers for improvement  
16 in student achievement. A pilot program is  
17 established to give Iowa school districts with one or  
18 more participating attendance centers the opportunity  
19 to explore and demonstrate successful methods to  
20 implement team-based variable pay.  
21 2. A participating school district may use moneys  
22 appropriated for purposes of this chapter to provide a  
23 cash award to all of the licensed practitioners at a  
24 participating attendance center that has demonstrated  
25 improvement in student achievement as provided in this  
26 section. The school district is encouraged to extend

27 cash awards to other staff employed at the attendance  
28 center.

29 3. The principal, with the participation of a team  
30 of licensed practitioners appointed by the principal,  
31 at each participating attendance center within a  
32 school district shall annually submit district  
33 attendance center student performance goals to the  
34 school board for approval. The attendance center  
35 goals must be aligned with the school improvement  
36 goals for the district developed in accordance with  
37 section 256.7, subsection 21. The district shall  
38 determine the designation of an attendance center for  
39 purposes of this section. The attendance center  
40 student performance goals may differ from attendance  
41 center to attendance center and may contain goals and  
42 indicators in addition to the comprehensive school  
43 improvement plan. An attendance center shall  
44 demonstrate student achievement through the use of  
45 multiple measures that are valid and reliable.

46 4. Each participating district shall create its  
47 own design for a team-based pay plan linked to the  
48 district's comprehensive school improvement plan. The  
49 plan must include attendance center student  
50 performance goals, student performance levels,

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1 multiple indicators to determine progress toward  
2 attendance center goals, and a system for providing  
3 financial rewards. The team-based pay plan shall be  
4 approved by the local board.

5 5. Each district team-based pay plan shall be  
6 reviewed by the department. The department shall  
7 include a review of the locally established goals,  
8 targeted levels of improvement, assessment strategies,  
9 and financial reward system.

10 6. A district electing to initiate a team-based  
11 variable pay plan according to this section during the  
12 school year beginning July 1, 2001, shall notify the  
13 department of its election in writing no later than  
14 August 1, 2001. The department shall certify the  
15 school district plan by October 1, 2001.

16 7. A team-based performance award program fund is  
17 established in the state treasury under the control of  
18 the department. The district team-based pay plan  
19 shall specify how the funding received by the district  
20 for purposes of this section is to be awarded to  
21 eligible staff in attendance centers that meet or  
22 exceed their goals. The district shall provide all  
23 attendance centers equal access to the available  
24 funds. Moneys shall be released by the department to  
25 the district only upon certification by the school

26 board that an attendance center has met or exceeded  
27 its goals.

28 8. Moneys received for purposes of this section  
29 shall not be used for payment of any collective  
30 bargaining agreement or arbitrator's decision  
31 negotiated or awarded under chapter 20.

32 Sec. 13. NEW SECTION. 284.12 REPORT.

33 1. The department shall annually report the  
34 statewide progress on the following:

35 a. Students achievement scores in mathematics and  
36 reading at the fourth and eighth grade levels on a  
37 district-by-district basis.

38 b. Improvement in teacher compensation.

39 c. Evaluator training program.

40 d. Team-based variable pay for student  
41 achievement.

42 e. Changes and improvements in the evaluation of  
43 teachers under the Iowa teaching standards.

44 2. The report shall be made available to the  
45 chairpersons and ranking members of the senate and  
46 house committees on education, the state board, the  
47 governor, and school districts by January 1. School  
48 districts shall provide information as required by the  
49 department for the compilation of the report and for  
50 accounting and auditing purposes.

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1 3. Subject to an appropriation of sufficient funds  
2 by the general assembly, the department shall provide  
3 for a comprehensive independent evaluation of all  
4 components of the student achievement and teacher  
5 quality program and shall submit the results of the  
6 evaluation in the report submitted pursuant to  
7 subsection 2 on January 1, 2007.

8 4. In developing administrative rules for  
9 consideration by the state board, the department shall  
10 consult with persons representing teachers,  
11 administrators, school boards, approved practitioner  
12 preparation institutions, and other appropriate  
13 education stakeholders.

14 Sec. 14. NEW SECTION. 284.13 STATE PROGRAM  
15 ALLOCATION.

16 1. For each fiscal year in which moneys are  
17 appropriated by the general assembly for purposes of  
18 the student achievement and teacher quality program,  
19 the moneys shall be allocated as follows:

20 a. For the fiscal year beginning July 1, 2001, and  
21 ending June 30, 2002, the department shall reserve up  
22 to one million dollars of any moneys appropriated for  
23 purposes of this chapter. For each fiscal year in  
24 which moneys are appropriated by the general assembly

25 for purposes of team-based variable pay pursuant to  
26 section 284.11, the amount of moneys allocated to  
27 school districts shall be in the proportion that the  
28 basic enrollment of a school district bears to the sum  
29 of the basic enrollments of all participating school  
30 districts for the budget year. However, the per pupil  
31 amount distributed to a school district shall not  
32 exceed one hundred dollars.

33 b. For the fiscal year beginning July 1, 2001, and  
34 ending June 30, 2002, to the department of education,  
35 the amount of one million nine hundred thousand  
36 dollars for the issuance of national board  
37 certification awards in accordance with section  
38 256.44.

39 c. For the fiscal year beginning July 1, 2001, and  
40 ending June 30, 2002, an amount up to two million four  
41 hundred thousand dollars for first-year beginning  
42 teachers, and for the fiscal year beginning July 1,  
43 2002, and succeeding fiscal years, an amount up to  
44 four million seven hundred thousand dollars for first-  
45 year and second-year beginning teachers, to the  
46 department of education for distribution to school  
47 districts for purposes of the beginning teacher  
48 mentoring and induction programs. A school district  
49 shall receive one thousand three hundred dollars per  
50 beginning teacher participating in the program. If

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1 the funds appropriated for the program are  
2 insufficient to pay mentors and school districts as  
3 provided in this paragraph, the department shall  
4 prorate the amount distributed to school districts  
5 based upon the amount appropriated. Moneys received  
6 by a school district pursuant to this paragraph shall  
7 be expended to provide each mentor with an award of  
8 five hundred dollars per semester, at a minimum, for  
9 participation in the school district's beginning  
10 teacher mentoring and induction program; to implement  
11 the plan; and to pay any applicable costs of the  
12 employer's share of contributions to federal social  
13 security and the Iowa public employees' retirement  
14 system or a pension and annuity retirement system  
15 established under chapter 294, for such amounts paid  
16 by the district.

17 d. For the fiscal year beginning July 1, 2001, and  
18 ending June 30, 2002, up to one million five hundred  
19 thousand dollars to the department of education for  
20 purposes of establishing the evaluator training  
21 program, including but not limited to the development  
22 of criteria models; an evaluation process; the  
23 training of providers; development of a provider

24 approval process; training materials and costs; for  
25 payment to practitioners under section 284.10,  
26 subsection 3, and to pay any applicable costs of the  
27 employer's share of contributions to federal social  
28 security and the Iowa public employees' retirement  
29 system or a pension and annuity retirement system  
30 established under chapter 294, for such amounts paid  
31 by the district; and for subsidies to school districts  
32 for training costs.

33 e. For the fiscal year beginning July 1, 2001, and  
34 ending June 30, 2002, up to one million five hundred  
35 thousand dollars to the department of education for  
36 purposes of implementing the career development  
37 program requirements of section 284.6, and the review  
38 panel requirements of section 284.9.

39 f. For the fiscal year beginning July 1, 2001, and  
40 ending June 30, 2002, the amount of moneys remaining  
41 from funds appropriated for purposes of this chapter  
42 after distribution as provided in paragraphs "a"  
43 through "e" and "g" shall be allocated to school  
44 districts in accordance with the following formula:

45 (1) Fifty percent of the allocation shall be in  
46 the proportion that the basic enrollment of a school  
47 district bears to the sum of the basic enrollments of  
48 all school districts in the state for the budget year.

49 (2) Fifty percent of the allocation shall be based  
50 upon the proportion that the number of full-time

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1 equivalent teachers employed by a school district  
2 bears to the sum of the number of full-time equivalent  
3 teachers who are employed by all school districts in  
4 the state for the base year.

5 g. From moneys available under paragraph "f", the  
6 department shall allocate to area education agencies  
7 an amount per classroom teacher employed by an area  
8 education agency that is approximately equivalent to  
9 the average per teacher amount allocated to the  
10 districts. The average per teacher amount shall be  
11 calculated by dividing the total number of classroom  
12 teachers employed by school districts and the  
13 classroom teachers employed by area education agencies  
14 into the total amount of moneys available under  
15 subsection 3.

16 2. A school district that is unable to meet the  
17 provisions of section 284.7, subsection 1, with funds  
18 allocated pursuant to subsection 1, paragraph "f", may  
19 request a waiver from the department to use funds  
20 appropriated under chapter 256D to meet the provisions  
21 of section 284.7, subsection 1, if the difference  
22 between the funds allocated to the school district

23 pursuant to subsection 1, paragraph "f", and the  
 24 amount required to comply with section 284.7,  
 25 subsection 1, is not less than ten thousand dollars.  
 26 The department shall consider the average class size  
 27 of the school district, the school district's actual  
 28 unspent balance from the preceding year, and the  
 29 school district's current financial position.

30 3. If a school district does not choose to  
 31 participate in the student achievement and teacher  
 32 quality program during the school year beginning July  
 33 1, 2001, the amount of moneys to be allocated to the  
 34 school district pursuant to subsection 1, paragraph  
 35 "f", shall be held for the school district by the  
 36 department until June 30, 2003, or until the school  
 37 district participates in the program, whichever occurs  
 38 earlier. Notwithstanding section 8.33, unencumbered  
 39 or unobligated funds remaining on June 30, 2002, shall  
 40 not revert but shall be available for expenditure for  
 41 the following fiscal year for the purposes of this  
 42 chapter.

43 4. Moneys received by a school district under this  
 44 chapter are miscellaneous income for purposes of  
 45 chapter 257 or are considered encumbered. A school  
 46 district shall maintain a separate listing within its  
 47 budget for payments received and expenditures made  
 48 pursuant to this section.

49 Sec. 15. Section 256.9, Code 2001, is amended by  
 50 adding the following new subsection:

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1 NEW SUBSECTION. 51. Develop models of core  
 2 knowledge and skill criteria, based upon the Iowa  
 3 teaching standards, for the evaluation, the  
 4 advancement, and for teacher career development  
 5 purposes pursuant to chapter 284. The model criteria  
 6 shall further define the characteristics of quality  
 7 teaching as established by the Iowa teaching  
 8 standards.

9 Sec. 16. Section 272.2, subsection 1, Code 2001,  
 10 is amended to read as follows:

11 1. a. License practitioners, who do not hold or  
 12 receive a license from another professional licensing  
 13 board, and professional development programs, ~~except~~  
 14 ~~for programs developed and offered by practitioner~~  
 15 ~~preparation institutions or area education agencies~~  
 16 ~~and approved by the state board of education.~~  
 17 Licensing authority includes the authority to  
 18 establish criteria for the licenses, ~~including but not~~  
 19 ~~limited to, establish~~ issuance and renewal  
 20 requirements, ~~creation of create~~ application and  
 21 renewal forms, ~~creation of create~~ licenses that

22 authorize different instructional functions or  
 23 specialties, ~~development of~~ develop a code of  
 24 professional rights and responsibilities, practice,  
 25 and ethics, and ~~the authority to~~ develop any other  
 26 classifications, distinctions, and procedures which  
 27 may be necessary to exercise licensing duties. A code  
 28 of professional rights and responsibilities, practice,  
 29 and ethics shall address but not be limited to the  
 30 habitual failure of a practitioner to fulfill  
 31 contractual obligations under section 279.13.  
 32 b. Notwithstanding section 272.28, subsection 1, a  
 33 teacher shall be licensed in accordance with rules  
 34 adopted pursuant to chapter 272, Code 2001, if the  
 35 teacher successfully completes a beginning teacher  
 36 mentoring program approved pursuant to chapter 256E on  
 37 or before June 30, 2002, or is employed by a school  
 38 district that does not offer a beginning teacher  
 39 mentoring and induction program approved in accordance  
 40 with this chapter during the school year beginning  
 41 July 1, 2001.  
 42 c. Notwithstanding section 272.28, subsection 1, a  
 43 teacher shall receive an educational license if the  
 44 teacher meets the licensing requirements of this  
 45 chapter and, prior to July 1, 2003, successfully  
 46 completes a two-year beginning teacher mentoring and  
 47 induction program approved pursuant to this chapter.  
 48 Sec. 17. NEW SECTION. 272.28 MENTORING AND  
 49 INDUCTION REQUIREMENT.  
 50 1. Effective July 1, 2003, requirements for

Page 18

1 teacher licensure beyond a provisional license shall  
 2 include successful completion of a beginning teacher  
 3 mentoring and induction program approved by the state  
 4 board of education.  
 5 2. A teacher from an accredited nonpublic school  
 6 or another state or country is exempt from the  
 7 requirement of subsection 1 if the teacher can  
 8 document three years of successful teaching experience  
 9 within the past five years and meet or exceed the  
 10 requirements contained in rules adopted under this  
 11 chapter for endorsement and licensure.  
 12 Sec. 18. Section 279.19, unnumbered paragraphs 1  
 13 and 2, Code 2001, are amended to read as follows:  
 14 The first ~~three~~ two consecutive years of employment  
 15 of a teacher in the same school district are a  
 16 probationary period. However, if the teacher has  
 17 successfully completed a probationary period of  
 18 employment for another school district located in  
 19 Iowa, the probationary period in the current district  
 20 of employment shall not exceed one year. A board of

21 directors may waive the probationary period for any  
 22 teacher who previously has served a probationary  
 23 period in another school district and the board may  
 24 extend the probationary period for an additional year  
 25 with the consent of the teacher.

26 Notwithstanding the two-year probationary period  
 27 otherwise provided for in this section, if a school  
 28 district offers a beginning teacher a third year of a  
 29 beginning teacher mentoring and induction program, and  
 30 the teacher accepts the school district's offer, the  
 31 teacher's probationary period shall continue through  
 32 the teacher's third year of employment.

33 In the case of the termination of a probationary  
 34 teacher's contract, the provisions of sections 279.15  
 35 and 279.16 shall apply.

36 Sec. 19. Chapter 256E, Code 2001, is repealed.

37 Sec. 20. Section 272.33, Code 2001, is repealed  
 38 effective July 1, 2002.

39 Sec. 21. STATE MANDATE FUNDING SPECIFIED. In  
 40 accordance with section 25B.2, subsection 3, the state  
 41 cost of requiring compliance with any state mandate  
 42 included in this Act shall be paid by a school  
 43 district from state school foundation aid received by  
 44 the school district under section 257.16. This  
 45 specification of the payment of the state cost shall  
 46 be deemed to meet all the state funding-related  
 47 requirements of section 25B.2, subsection 3, and no  
 48 additional state funding shall be necessary for the  
 49 full implementation of this Act by and enforcement of  
 50 this Act against all affected school districts.

Page 19

1 Sec. 22. LEGISLATIVE IMPLEMENTATION COMMITTEE.  
 2 The legislative council is requested to establish a  
 3 two-year legislative implementation committee to study  
 4 and make recommendations regarding the implementation  
 5 of chapter 284, as enacted by this Act, including, but  
 6 not limited to, valid, reliable measures that school  
 7 districts can use to determine growth in student  
 8 achievement and performance on locally determined  
 9 indicators; development of a process to review  
 10 district level and building level student achievement  
 11 goals and goal-setting; the appropriate level of  
 12 funding for team-based variable pay; and an ongoing  
 13 evaluation to determine the effectiveness of the  
 14 student achievement and teacher quality program. The  
 15 committee shall recommend a team-based variable pay  
 16 plan model and a timeline for implementation of the  
 17 plan. The legislative council is also requested to  
 18 authorize up to \$25,000 for the expenses of the  
 19 committee. The committee shall monitor the progress

20 of team-based variable pay pilot programs.

21 The committee shall submit preliminary  
22 recommendations to the general assembly by December  
23 15, 2001, and shall make its final recommendations to  
24 the general assembly by December 15, 2002.

25 The committee shall be composed of eleven members  
26 and shall include the following:

27 1. Three members appointed by the president of the  
28 senate after consultation with the majority leader of  
29 the senate and the minority leader of the senate.

30 2. Three members appointed by the speaker of the  
31 house of representatives after consultation with the  
32 majority and minority leaders of the house of  
33 representatives.

34 3. The director of the department of education or  
35 the director's designee.

36 4. One member who shall be appointed by the Iowa  
37 association of school boards.

38 5. One member who shall be appointed by the school  
39 administrators of Iowa.

40 6. One member who shall be appointed by the Iowa  
41 state education association.

42 7. One member who shall be appointed by the  
43 governor to represent the office of the governor.

44 It is the intent of the general assembly that the  
45 legislative implementation committee oversee the  
46 implementation of the policies established pursuant to  
47 this Act.""

MIKE CONNOLLY  
JOHN P. KIBBIE

## S-3611

### HOUSE AMENDMENT TO SENATE FILE 140

1 Amend Senate File 140, as follows:

2 1. Page 1, by inserting after line 30 the  
3 following:

4 "Sec. 4A. Section 422.7, Code 2001, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 36. Notwithstanding the method  
7 for computing income from an installment sale under  
8 section 453 of the Internal Revenue Code, as defined  
9 in section 422.3, the method to be used in computing  
10 income from an installment sale shall be the method  
11 under section 453 of the Internal Revenue Code, as  
12 amended up to and including January 1, 2000. A  
13 taxpayer affected by this subsection shall make  
14 adjustments in the adjusted gross income pursuant to  
15 rules adopted by the director."

16 2. By striking page 2, line 22, through page 4,  
17 line 18.

18 3. Page 4, line 20, by inserting after the word  
19 "through" the following: "4A,".

20 4. Page 4, by striking line 23 and inserting the  
21 following:

22 "2. Section 6 of this Act applies".

23 5. Title page, by striking lines 3 and 4 and  
24 inserting the following: "dependents,".

25 6. By renumbering, relettering, or redesignating  
26 and correcting internal references as necessary.

### S-3612

#### HOUSE AMENDMENT TO SENATE FILE 98

1 Amend Senate File 98, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 12, the  
4 following:

5 "Sec. \_\_\_\_ EFFECTIVE AND RETROACTIVE APPLICABILITY  
6 DATES. This Act, being deemed of immediate  
7 importance, takes effect upon enactment, and applies  
8 retroactively to January 1, 2001, to employer accounts  
9 for benefits paid to individuals as provided in  
10 section 1 of this Act."

11 2. Title page, line 3, by inserting after the  
12 word "disaster" the following: "and providing  
13 effective and retroactive applicability dates".

14 3. By renumbering as necessary.

### S-3613

1 Amend House File 742, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 4 through 24.

4 2. Page 3, by striking lines 7 through 23.

5 3. Page 4, by striking lines 6 through 23.

6 4. Page 4, line 32, by striking the figure  
7 "400,000" and inserting the following: "0".

8 5. Page 4, line 35, by striking the figure  
9 "1,700,000" and inserting the following: "0".

10 6. Page 5, by striking lines 9 through 20.

11 7. By striking page 5, line 28, through page 6,  
12 line 2.

13 8. Page 6, by striking lines 9 through 11.

14 9. Page 6, line 14, by striking the figure  
15 "400,000" and inserting the following: "0".

16 10. Page 6, by striking lines 17 through 26.

17 11. Page 6, line 35, by striking the figure

18 "4,200,000" and inserting the following: "0".  
 19 12. Page 7, line 5, by striking the figure  
 20 "4,453,000" and inserting the following: "0".  
 21 13. Page 7, line 10, by striking the figure  
 22 "3,990,000" and inserting the following: "0".  
 23 14. Page 7, by striking lines 13 through 27.  
 24 15. By striking page 7, line 35, through page 9,  
 25 line 15.  
 26 16. Page 10, line 23, by striking the word  
 27 "section" and inserting the following: "subsection".  
 28 17. Page 15, by inserting after line 3, the  
 29 following:

30	"DIVISION ____	
31	TOBACCO SETTLEMENT TRUST FUND	
32	Sec. 501. 2000 Iowa Acts, chapter 1225, section	
33	10, is amended by striking the section.	
34	Sec. 502. 2000 Iowa Acts, chapter 1225, section	
35	15, subsections 1 through 3, are amended to read as	
36	follows:	
37	1. For improvements to Gilman hall at Iowa state	
38	university of science and technology, including the	
39	replacement of the heating, ventilation, and air	
40	conditioning system, replacement of the fume hood	
41	exhaust system, and the construction of an addition to	
42	house mechanical equipment:	
43	FY 2000-2001.....	\$ 8,500,000
44	FY 2001-2002.....	2,500,000
45	.....	<u>0</u>
46	FY 2002-2003.....	0
47	2. For continued renovation of the biological	
48	sciences facility at the state university of Iowa:	
49	FY 2000-2001.....	\$ 4,400,000
50	FY 2001-2002.....	7,300,000

Page 2

1	.....	<u>0</u>
2	FY 2002-2003 .....	\$ 3,000,000
3	3. For construction of an addition to McCollum	
4	science hall at the university of northern Iowa:	
5	FY 2000-2001 .....	\$ 2,700,000
6	FY 2001-2002 .....	5,800,000
7	.....	<u>0</u>
8	FY 2002-2003 .....	\$ 8,400,000
9	Sec. 503. 2000 Iowa Acts, chapter 1225, section	
10	18, unnumbered paragraph 2, is amended to read as	
11	follows:	
12	For deposit in the community attraction and tourism	
13	fund:	
14	FY 2001-2002 .....	\$ 12,500,000
15	FY 2002-2003 .....	12,500,000
16	.....	<u>0</u>

17	FY 2003–2004.....		12,500,000
18	Sec. 504. There is appropriated from the tax-		
19	exempt bond proceeds restricted capital funds account		
20	of the tobacco settlement trust fund to the following		
21	departments and agencies for the fiscal year beginning		
22	July 1, 2001, and ending June 30, 2002, the following		
23	amounts, or so much thereof as is necessary, to be		
24	used for the purposes designated:		
25	1. DEPARTMENT OF CORRECTIONS.		
26	a. To supplement funds appropriated in 1998 Iowa		
27	Acts, chapter 1219, section 2, subsection 3, for		
28	construction of a 200-bed facility at the Iowa state		
29	penitentiary at Fort Madison:		
30	.....	\$	6,400,000
31	b. For costs associated with connecting the		
32	correctional facility at Oakdale to the city of		
33	Coralville water system:		
34	.....	\$	100,000
35	c. For the final phase of the state's share of the		
36	construction costs associated with the Mitchellville		
37	waste water treatment plant:		
38	.....	\$	364,400
39	d. For costs of entering into a lease-purchase		
40	agreement to connect the electrical system supporting		
41	the special needs unit at Fort Madison:		
42	.....	\$	333,168
43	2. DEPARTMENT OF ECONOMIC DEVELOPMENT.		
44	For accelerated career education program capital		
45	projects at community colleges that are authorized		
46	under chapter 260G and that meet the definition of		
47	"vertical infrastructure" in section 8.57, subsection		
48	5, paragraph "c":		
49	.....	\$	2,500,000
50	The moneys appropriated in this subsection shall be		

Page 3

1	allocated equally among the community colleges in the		
2	state. If any portion of the equal allocation to a		
3	community college is not obligated or encumbered by		
4	April 1, 2002, the unobligated and unencumbered		
5	portions shall be available for use by other community		
6	colleges.		
7	3. DEPARTMENT OF GENERAL SERVICES.		
8	a. For major renovation and major repair needs		
9	including health, life, and fire safety needs, and for		
10	compliance with the federal Americans With		
11	Disabilities Act, for state-owned buildings and		
12	facilities:		
13	.....	\$	11,500,000
14	(1) In accordance with section 8.57, subsection 5,		
15	paragraph "c", the moneys appropriated in this		

16 paragraph "a" shall not be used for project management  
17 services provided by the department.

18 (2) Of the amount appropriated in this paragraph  
19 "a", \$200,000 may be used for costs associated with  
20 the vertical infrastructure program, notwithstanding  
21 section 8.57, subsection 5, paragraph "c".

22 b. For the purchase of land and improvements to  
23 properties in the vicinity of the capitol complex:

24 .....\$ 200,000

25 Funds appropriated in this paragraph "b" may be  
26 expended to prepare purchased property for utilization  
27 by the state.

28 c. For the construction of a pedestrian bridge  
29 across Court avenue to provide pedestrian access  
30 across the capitol complex:

31 .....\$ 400,000

32 d. For capitol interior restoration:

33 .....\$ 1,700,000

34 4. IOWA STATE FAIR AUTHORITY.

35 For vertical infrastructure projects on the state  
36 fairgrounds:

37 .....\$ 500,000

38 For purposes of this subsection, "vertical  
39 infrastructure" means the same as defined in section  
40 8.57, subsection 5, paragraph "c".

41 5. JUDICIAL BRANCH.

42 For construction of a new judicial building:

43 .....\$ 10,300,000

44 The judicial branch is authorized to enter into  
45 contracts for the full cost of the planning, design,  
46 and construction of a new judicial building for which  
47 appropriations are made in this subsection and in 1998  
48 Iowa Acts, chapter 1223, section 8, and 1999 Iowa  
49 Acts, chapter 204, section 6. The state shall not be  
50 obligated for costs associated with contracts

Page 4

1 identified in this paragraph in excess of funds  
2 appropriated by the general assembly. Notwithstanding  
3 any provision of this Act to the contrary or section  
4 8.33, moneys appropriated in this subsection that  
5 remain unencumbered or unobligated at the close of the  
6 fiscal year that begins July 1, 2004, shall revert at  
7 the close of that fiscal year. However, if the  
8 project for which the moneys are appropriated is  
9 completed in an earlier fiscal year, unencumbered or  
10 unobligated moneys shall revert at the close of that  
11 fiscal year.

12 6. DEPARTMENT OF NATURAL RESOURCES.

13 a. For continuation of the restore the outdoors  
14 program:

15	.....	\$	2,500,000
16	b. For costs associated with the planning and		
17	design of a premier destination park, notwithstanding		
18	section 8.57, subsection 5, paragraph "c", as follows:		
19	.....	\$	1,000,000
20	7. DEPARTMENT OF PUBLIC DEFENSE.		
21	a. For maintenance and repair of national guard armories		
22	and facilities:		
23	.....	\$	700,000
24	b. For construction of a new national guard armory		
25	at Estherville:		
26	.....	\$	400,000
27	8. DEPARTMENT OF PUBLIC SAFETY.		
28	For the location and purchase of land, a site		
29	survey, soil sampling, and site preparation for the		
30	construction of a new Iowa state patrol post in Mason		
31	City:		
32	.....	\$	250,000
33	9. STATE BOARD OF REGENTS.		
34	a. For construction of a new business college		
35	building at Iowa state university of science and		
36	technology:		
37	.....	\$	4,200,000
38	b. For phase I of construction of the art building		
39	at the state university of Iowa:		
40	.....	\$	4,453,000
41	c. For upgrading the steam distribution system at		
42	the university of northern Iowa:		
43	.....	\$	3,990,000
44	d. For utility system replacement at the Iowa		
45	school for the deaf:		
46	.....	\$	250,000
47	e. For tuckpointing at the Iowa school for the		
48	deaf:		
49	.....	\$	185,000
50	f. For upgrading the heating, ventilation, and air		

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1	conditioning system at the Iowa braille and sight		
2	saving school:		
3	.....	\$	400,000
4	g. For improvements to Gilman hall at Iowa state		
5	university of science and technology, including the		
6	replacement of the heating, ventilation, and air		
7	conditioning system, replacement of the fume hood		
8	exhaust system, and the construction of an addition to		
9	house mechanical equipment:		
10	.....	\$	2,500,000
11	h. For continued renovation of the biological		
12	sciences facility at the state university of Iowa:		
13	.....	\$	7,300,000

14	i. For construction of an addition to McCollum		
15	science hall at the university of northern Iowa:		
16	.....	\$	5,800,000
17	The state board of regents is authorized to enter		
18	into contracts for the full cost of carrying out the		
19	projects listed in paragraphs "a" through "c" and "g"		
20	through "i", for which appropriations are made in		
21	those paragraphs. The state shall not be obligated		
22	for costs associated with contracts identified in this		
23	paragraph in excess of the funds appropriated by the		
24	general assembly.		
25	10. STATE DEPARTMENT OF TRANSPORTATION.		
26	a. For vertical infrastructure improvements at all		
27	10 of the commercial air service airports within the		
28	state:		
29	.....	\$	1,000,000
30	One-half of the funds appropriated in this		
31	paragraph "a" shall be allocated equally between each		
32	commercial service airport, 40 percent of the funds		
33	shall be allocated based on the percentage that the		
34	number of enplaned passengers at each commercial		
35	service airport bears to the total number of enplaned		
36	passengers in the state during the previous fiscal		
37	year, and 10 percent of the funds shall be allocated		
38	based on the percentage that the air cargo tonnage at		
39	each commercial service airport bears to the total air		
40	cargo tonnage in the state during the previous fiscal		
41	year. In order for a commercial service airport to		
42	receive funding under this paragraph "a", the airport		
43	shall be required to submit applications for funding		
44	of specific projects to the department for approval by		
45	the state transportation commission.		
46	b. For an aviation hangar grant program for		
47	improvements to and design and construction of hangars		
48	at general aviation airports within the state:		
49	.....	\$	500,000
50	c. For acquiring, constructing, and improving		

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1	recreational trails within the state:		
2	.....	\$	1,000,000
3	Of the amount appropriated in this paragraph "c",		
4	\$500,000 shall be used for funding, on a matching		
5	basis, recreational trail projects, with priority		
6	given to completion of trail connections and sections		
7	between existing trails and parks within the		
8	established state recreational trails system. Such		
9	projects shall be matched by \$1 of private or other		
10	funds for each \$3 of state funds.		
11	Of the amount appropriated in this paragraph "c",		
12	\$50,000 shall be allocated for planning and		

13 development of the Iowa portion of the Mississippi  
14 river trail.

15 11. OFFICE OF TREASURER OF STATE.

16 a. For county fair infrastructure improvements for  
17 distribution in accordance with chapter 174 to  
18 qualified fairs which belong to the association of  
19 Iowa fairs:

20 .....\$ 1,060,000

21 b. For deposit in the community attraction and  
22 tourism fund:

23 .....\$ 12,500,000

24 Payment of moneys from the appropriations in this  
25 section shall be made in a manner that does not  
26 adversely affect the tax-exempt status of any  
27 outstanding bonds issued by the tobacco settlement  
28 authority.

29 Sec. \_\_\_\_. CONTINGENT AND ALTERNATIVE  
30 APPROPRIATIONS -- EFFECTIVE DATE. The appropriations  
31 in section 504 of this division of this Act shall be  
32 made from the tax-exempt bond proceeds restricted  
33 capital funds account of the tobacco settlement trust  
34 fund on or after the effective date of the receipt of  
35 tax-exempt bond proceeds by the tobacco settlement  
36 authority and the deposit of the proceeds of the tax-  
37 exempt bonds in the tax-exempt bond proceeds  
38 restricted capital funds account of the tobacco  
39 settlement trust fund. However, if any of the  
40 following occurs, the appropriations in section 504 of  
41 this division of this Act shall be made from the  
42 rebuild Iowa infrastructure fund to the extent they  
43 cannot be made from the tax-exempt bond proceeds  
44 restricted capital funds account of the tobacco  
45 settlement trust fund:

- 46 1. 2001 Iowa Acts, Senate File 532 is not enacted.
- 47 2. 2001 Iowa Acts, Senate File 532 is enacted, but
- 48 the tobacco settlement authority established in
- 49 chapter 12E does not securitize tobacco master
- 50 settlement agreement payments sold to the authority

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- 1 pursuant to 2001 Iowa Acts, Senate File 532 prior to
- 2 June 30, 2002.
- 3 3. 2001 Iowa Acts, Senate File 532 is enacted and
- 4 the tobacco settlement authority securitizes tobacco
- 5 master settlement agreement payments sold to the
- 6 authority pursuant to 2001 Iowa Acts, Senate File 532,
- 7 but the bond proceeds are not received by the tobacco
- 8 settlement authority and deposited in the tax-exempt
- 9 bond proceeds restricted capital funds account of the
- 10 tobacco settlement trust fund on or before June 30,
- 11 2002.

12 4. For any other reason, any of the amounts in  
13 section 504 cannot be paid from the tax-exempt bond  
14 proceeds restricted capital funds account of the  
15 tobacco settlement trust fund.

16 Sec. 505. There is appropriated from the tax-  
17 exempt bond proceeds restricted capital funds account  
18 of the tobacco settlement trust fund to the following  
19 departments and agencies for the fiscal year beginning  
20 July 1, 2001, and ending June 30, 2002, the following  
21 amounts, or so much thereof as is necessary, to be  
22 used for the purposes designated:

23 1. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
24 COMMISSION.

25 For conversion of the Iowa communications network  
26 to asynchronous transfer mode technology:

27 .....\$ 10,500,000

28 2. DEPARTMENT OF EDUCATION.

29 For allocation to the public broadcasting division  
30 for completion of the conversion to high-definition  
31 television:

32 .....\$ 2,400,000

33 Payment of moneys from the appropriations in this  
34 section shall be made in a manner that does not  
35 adversely affect the tax-exempt status of any  
36 outstanding bonds issued by the tobacco settlement  
37 authority.

38 Sec. \_\_\_\_\_. CONTINGENT APPROPRIATIONS -- EFFECTIVE

39 DATE. The appropriations in section 505 of this  
40 division of this Act shall be made from the tax-exempt  
41 bond proceeds restricted capital funds account of the  
42 tobacco settlement trust fund on or after the  
43 effective date of the receipt of tax-exempt bond  
44 proceeds by the tobacco settlement authority and the  
45 deposit of the proceeds of the tax-exempt bonds in the  
46 tax-exempt bond proceeds restricted capital funds  
47 account of the tobacco settlement trust fund.

48 However, if any of the following occurs, the  
49 appropriations in section 505 of this division of this  
50 Act shall not be made from the tax-exempt bond

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1 proceeds restricted capital funds account of the  
2 tobacco settlement trust fund:

3 1. 2001 Iowa Acts, Senate File 532 is not enacted.

4 2. 2001 Iowa Acts, Senate File 532 is enacted, but  
5 the tobacco settlement authority established in  
6 chapter 12E does not securitize tobacco master  
7 settlement agreement payments sold to the authority  
8 pursuant to 2001 Iowa Acts, Senate File 532 prior to  
9 June 30, 2002.

10 3. 2001 Iowa Acts, Senate File 532 is enacted and

11 the tobacco settlement authority securitizes tobacco  
 12 master settlement agreement payments sold to the  
 13 authority pursuant to 2001 Iowa Acts, Senate File 532,  
 14 but the bond proceeds are not received by the tobacco  
 15 settlement authority and deposited in the tax-exempt  
 16 bond proceeds restricted capital funds account of the  
 17 tobacco settlement trust fund on or before June 30,  
 18 2002.

19 4. For any other reason, any of the amounts in  
 20 section 505 cannot be paid from the tax-exempt bond  
 21 proceeds restricted capital funds account of the  
 22 tobacco settlement trust fund.

23 Sec. \_\_\_\_. REVERSION. Notwithstanding section  
 24 8.33, moneys appropriated in this division of this Act  
 25 shall not revert at the close of the fiscal year for  
 26 which they were appropriated but shall remain  
 27 available for the purposes designated until the close  
 28 of the fiscal year that begins July 1, 2004, or until  
 29 the completion project for which the appropriation was  
 30 made is completed, whichever is earlier.

31 Sec. \_\_\_\_. EFFECTIVE DATES. Sections 501 through  
 32 503 of this division of this Act, amending 2000 Iowa  
 33 Acts, chapter 1224, sections 10, 15, and 18, being  
 34 deemed of immediate importance, take effect upon  
 35 enactment."

36 18. Page 16, by striking lines 1 through 7, and  
 37 inserting the following:

38 "Sec. 101. Section 8.57, subsection 5, paragraph  
 39 e, Code 2001, is amended by adding the following new  
 40 unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. If the total amount of  
 42 moneys directed to be deposited in the general fund of  
 43 the state under sections 99D.17 and 99F.11 in a fiscal  
 44 year is less than the total amount of moneys directed  
 45 to be deposited in the vision Iowa fund and the school  
 46 infrastructure fund in the fiscal year pursuant to  
 47 this paragraph "e", the difference shall be paid from  
 48 lottery revenues in the manner provided in section  
 49 99E.10, subsection 3.

50 Sec. \_\_\_\_. Section 12.73, Code 2001, is amended to

Page 9

1 read as follows:

2 12.73 VISION IOWA FUND MONEYS -- ADMINISTRATIVE  
 3 COSTS.

4 During the term of the vision Iowa program  
 5 established in section 15F.302, ~~one~~ two hundred  
 6 thousand dollars of the moneys deposited each fiscal  
 7 year in the vision Iowa fund and appropriated for the  
 8 vision Iowa program shall be allocated each fiscal  
 9 year to the department of economic development for

10 administrative costs incurred by the department for  
11 purposes of administering the vision Iowa program.

12 Sec. 102. Section 12.74, subsection 2, Code 2001,  
13 is amended by striking the subsection.

14 Sec. 103. Section 12.84, subsection 2, Code 2001,  
15 is amended by striking the subsection.

16 Sec. 104. Section 15F.202, subsection 2,  
17 unnumbered paragraph 1, Code 2001, is amended to read  
18 as follows:

19 A city or county in the state or public  
20 organization may submit an application to the board  
21 for financial assistance for a project under the  
22 program. The assistance shall be provided only from  
23 funds, rights, and assets legally available to the  
24 board and shall be in the form of grants, loans,  
25 forgivable loans, and ~~loan guarantees~~ credit  
26 enhancement and financing instruments. The  
27 application shall include, but not be limited to, the  
28 following information:

29 Sec. 105. Section 15F.202, subsection 3, Code  
30 2001, is amended to read as follows:

31 3. A school district, in cooperation with a city  
32 or county, may submit a joint application for  
33 financial assistance for a project under the program.  
34 The assistance shall be provided only from funds,  
35 rights, and assets legally available to the board and  
36 shall be in the form of grants, loans, forgivable  
37 loans, and ~~loan guarantees~~ credit enhancement and  
38 financing instruments. In addition to the information  
39 required in subsection 2, the application shall  
40 include a demonstration that the intended future use  
41 of the project shall be by both joint applicants.

42 Sec. 106. Section 15F.204, subsection 3, Code  
43 2001, is amended to read as follows:

44 3. The fund shall be used to provide assistance  
45 only from funds, rights, and assets legally available  
46 to the board in the form of grants, loans, forgivable  
47 loans, and ~~loan guarantees~~ credit enhancements and  
48 financing instruments under the community attraction  
49 and tourism program established in section 15F.202.  
50 An applicant under the community attraction and

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1 tourism program shall not receive financial assistance  
2 from the fund in an amount exceeding fifty percent of  
3 the total cost of the project.

4 Sec. 107. Section 15F.302, subsection 2,  
5 unnumbered paragraph 1, Code 2001, is amended to read  
6 as follows:

7 A city or county or a public organization in the  
8 state may submit an application to the board for

9 financial assistance for a project under the program.  
 10 For purposes of this subsection, "public organization"  
 11 means a nonprofit economic development organization or  
 12 other nonprofit organization that sponsors or supports  
 13 community or tourism attractions and activities. The  
 14 financial assistance from the fund shall be provided  
 15 only from funds, rights, and assets legally available  
 16 to the board and shall be in the form of grants,  
 17 loans, forgivable loans, pledges, and ~~guarantees~~  
 18 credit enhancements and financing instruments. The  
 19 application shall include, but not be limited to, the  
 20 following information:

21 Sec. 108. Section 15F.302, subsection 3, Code  
 22 2001, is amended to read as follows:

23 3. A school district, in cooperation with a city  
 24 or county, may submit a joint application for  
 25 financial assistance for a project under the program.  
 26 The financial assistance shall be provided only from  
 27 funds, rights, and assets legally available to the  
 28 board and shall be in the form of grants, loans,  
 29 forgivable loans, and ~~loan guarantees~~ credit  
 30 enhancements and financing instruments. In addition  
 31 to the information required in subsection 2, the  
 32 application shall include a demonstration that the  
 33 intended future use of the project shall be by both  
 34 joint applicants.

35 Sec. 109. Section 15F.303, subsection 3, Code  
 36 2001, is amended by adding the following new  
 37 paragraph:

38 NEW PARAGRAPH. f. The construction portion of the  
 39 project will be competitively bid. If the applicant  
 40 is a public organization, as defined in section  
 41 15F.302, subsection 2, the construction portion of the  
 42 project shall be competitively bid in a manner  
 43 essentially the same as that set forth for public  
 44 improvements by cities in sections 384.96 through  
 45 384.101.

46 Sec. 110. Section 15F.304, subsection 4, Code  
 47 2001, is amended to read as follows:

48 4. Upon review of the recommendations of the  
 49 review committee, the board shall approve, defer, or  
 50 deny the applications. If an application is approved,

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1 the board may enter into an agreement with the  
 2 applicant to provide financial assistance authorized  
 3 under section 15F.302.

4 Sec. 111. Section 99E.10, Code 2001, is amended by  
 5 adding the following subsection:

6 NEW SUBSECTION. 3. a. Notwithstanding subsection  
 7 1, if gaming revenues under sections 99D.17 and 99F.11

8 are insufficient in a fiscal year to meet the total  
9 amount of such revenues directed to be deposited in  
10 the vision Iowa fund and the school infrastructure  
11 fund during the fiscal year pursuant to section 8.57,  
12 subsection 5, paragraph "e", the difference shall be  
13 paid from lottery revenues prior to deposit of the  
14 lottery revenues in the general fund. If lottery  
15 revenues are insufficient during the fiscal year to  
16 pay the difference, the remaining difference shall be  
17 paid from lottery revenues in subsequent fiscal years  
18 as such revenues become available.

19 b. The treasurer of state shall, each quarter,  
20 prepare an estimate of the gaming revenues and lottery  
21 revenues that will become available during the  
22 remainder of the appropriate fiscal year for the  
23 purposes described in paragraph "a". The department  
24 of management and the department of revenue and  
25 finance shall take appropriate actions to provide that  
26 the amount of gaming revenues and lottery revenues  
27 that will be available during the remainder of the  
28 appropriate fiscal year is sufficient to cover any  
29 anticipated deficiencies."

30 19. Page 17, by striking lines 18 through 28, and  
31 inserting the following:

32 "Sec. \_\_\_. EFFECTIVE DATE. The following  
33 provisions of this division of this Act, being deemed  
34 of immediate importance, take effect upon enactment:

35 Sections 101 through 111 of this division of this  
36 Act, amending sections 8.57, 12.74, 12.84, 15F.202,  
37 15F.204, 15F.302, 15F.303, 15F.304, and 99E.10."

38 20. Title page, lines 1 and 2, by striking the  
39 words "from the rebuild Iowa infrastructure fund".

40 21. Title page, line 9, by striking the word  
41 "and".

42 22. Title page, by striking lines 10 through 14,  
43 and inserting the following: "state, and the  
44 department of agriculture and land stewardship, and to  
45 the Iowa resources".

46 23. Title page, line 16, by inserting after the  
47 word "changes," the following: "providing for  
48 alternative and contingent appropriations,".

49 24. By renumbering, redesignating, and correcting  
50 internal references as necessary.

JEFF LAMBERTI

## S-3614

1 Amend the amendment, S-3409, to House File 349, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking line 15 and inserting the

5 following:  
 6 "\_\_\_\_. Page 7, line 20, by striking the word  
 7 "five" and inserting the following: "three".  
 8 \_\_\_\_ Page 7, line 29, by inserting after the word  
 9 "certified," the following: "In enterprise zones  
 10 designated pursuant to this subsection, only an  
 11 eligible business under section 15E.193 shall be  
 12 eligible for incentives and assistance."  
 13 2. By renumbering as necessary.

MARK SHEARER

### S-3615

1 Amend House File 670, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 272.28 as enacted by 2001 Iowa  
 6 Acts, Senate File 476, or House File 672, is amended  
 7 by adding the following new subsection:  
 8 3. A teacher licensed pursuant to section 272.2,  
 9 subsection 13, paragraph "b", who meets the  
 10 requirements of section 272.2, subsection 13,  
 11 paragraph "c", is exempt from the requirement of  
 12 subsection 1.  
 13 Sec. 2. Section 284.7, as enacted by 2001 Iowa  
 14 Acts, Senate File 476, or House File 672, is amended  
 15 by adding the following new subsection:  
 16 NEW SUBSECTION. 6. The school district shall pay  
 17 an individual who is participating in a nontraditional  
 18 practitioner preparation internship program in  
 19 accordance with section 256.16, subsection 3, and who  
 20 is employed by the district as a teacher, a minimum  
 21 salary of not less than sixty percent of the salary  
 22 paid to a first-year beginning teacher, and shall  
 23 provide the individual with the same health or medical  
 24 insurance coverage offered to all full-time teachers  
 25 employed by the district.  
 26 Sec. 3. Section 256.7, Code 2001, is amended by  
 27 adding the following new subsection:  
 28 NEW SUBSECTION. 25. Prescribe standards and  
 29 procedures for the approval of nontraditional  
 30 practitioner preparation internship programs to be  
 31 offered by practitioner preparation institutions in  
 32 this state in accordance with section 272.2,  
 33 subsection 13.  
 34 Sec. 4. Section 256.16, Code 2001, is amended by  
 35 adding the following new subsection:  
 36 NEW SUBSECTION. 3. a. The state board shall  
 37 adopt rules requiring that all higher education  
 38 institutions providing a nontraditional practitioner

39 preparation internship program, at a minimum, meet the  
40 standards and comply with the standards established  
41 pursuant to section 256.7, subsection 25. A  
42 nontraditional practitioner preparation internship  
43 program is exempt from the student teaching or field  
44 experience requirements of section 272.25. A  
45 nontraditional practitioner preparation internship  
46 program shall include coursework in education theory,  
47 instructional methods, classroom management, and  
48 practice teaching. The program shall consist of two  
49 twelve-semester-hour, or the trimester or quarter  
50 equivalent, courses of study.

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1 b. The institution providing the nontraditional  
2 practitioner preparation internship program shall  
3 enter into a written agreement with a school district,  
4 under terms and conditions as agreed upon by the  
5 contracting parties, providing that the school  
6 district will provide interns seeking a nontraditional  
7 conditional teaching license with a one-year classroom  
8 teaching experience in which the intern team teaches  
9 with a practitioner, who is licensed in accordance  
10 with chapter 272, and who shall be responsible for the  
11 management of the classroom until the intern receives  
12 a nontraditional conditional teaching license.  
13 Interns teaching in a school district under the terms  
14 of such a contract are entitled to the same protection  
15 under section 670.8, as is afforded by that section to  
16 officers and other employees of the school district,  
17 during the time they are so assigned.  
18 c. An individual must successfully complete the  
19 first course of study prior to receiving a  
20 nontraditional conditional license pursuant to section  
21 272.2, subsection 13, paragraphs "a" and "b".  
22 However, an intern shall not be issued a  
23 nontraditional conditional license to teach until the  
24 intern successfully completes the one-year classroom  
25 teaching experience, except as provided in paragraph  
26 "d".  
27 d. Except as provided in section 272.6, if the  
28 institution providing the approved internship program  
29 and the school district employing an intern submit to  
30 the board of educational examiners a recommendation  
31 for licensure of the intern, and the intern has  
32 completed at least six weeks of the classroom teaching  
33 experience, the intern shall be issued a  
34 nontraditional conditional teaching license by the  
35 board of educational examiners.  
36 e. Prior to licensure as an administrator or a  
37 provisional teacher, unless the requirement is waived

38 in accordance with this subsection for interns seeking  
39 licensure under section 272.2, subsection 13,  
40 paragraph "b", an individual shall successfully  
41 complete the second twelve-semester-hour, or the  
42 trimester or quarter equivalent, course of study in  
43 accordance with section 272.2, subsection 13. The  
44 institution providing the approved practitioner  
45 preparation internship program may waive all or part  
46 of the second course of an intern's study based upon  
47 the institution's comprehensive evaluation of the  
48 intern.

49 f. The institution that delivers the coursework to  
50 a practitioner pursuant to this subsection shall,

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1 along with the school district that employs the  
2 conditional practitioner, supervise the conditional  
3 practitioner during the practitioner's year of  
4 employment under a nontraditional conditional license,  
5 and shall, in consultation with the practitioner's  
6 evaluator at the school district of employment, submit  
7 to the board of educational examiners a comprehensive  
8 evaluation of the practitioner's performance by July 1  
9 following the practitioner's year of employment under  
10 a nontraditional conditional license. If the  
11 comprehensive evaluation establishes that the  
12 conditional practitioner's performance fails to meet  
13 the standards of the approved nontraditional  
14 practitioner preparation internship program, the  
15 individual shall not be admitted to a second course of  
16 study offered by an approved nontraditional  
17 practitioner preparation internship program.

18 g. The tuition charged by an institution for  
19 participation in an approved nontraditional  
20 practitioner preparation internship program shall not  
21 exceed the resident tuition rate for one full-time  
22 semester of study established for institutions of  
23 higher learning under the control of the state board  
24 of regents.

25 Sec. 5. Section 272.1, Code 2001, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 5A. "Nontraditional conditional  
28 license" means the authority that is given to allow a  
29 person to legally serve as a practitioner on a  
30 temporary basis while the person completes a  
31 nontraditional practitioner preparation internship  
32 program.

33 Sec. 6. Section 272.2, subsection 13, Code 2001,  
34 is amended to read as follows:

35 13. Adopt rules to provide for nontraditional  
36 preparation and licensing options for licensing

37 persons who hold, at a minimum, a bachelor's degree  
38 from an accredited college or university, but who do  
39 not meet other requirements for licensure. At a  
40 minimum, the rules shall provide for the following:  
41 a. An individual who possesses at least a master's  
42 degree in business administration, public  
43 administration, or a comparable degree, or who  
44 possesses at least a bachelor's degree from an  
45 accredited postsecondary institution and life  
46 experience equivalent to a master's degree in a  
47 management field as determined by rule, and who has  
48 been employed for at least ten of the last fifteen  
49 years in a management position, may be issued a one-  
50 year, nonrenewable, nontraditional conditional

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1 administrator's license if the individual successfully  
2 completes a nontraditional practitioner preparation  
3 internship program in accordance with section 256.16,  
4 subsection 3. An individual may be issued an  
5 administrator's license if the individual successfully  
6 completes one year of employment as an administrator  
7 under a nontraditional conditional license and  
8 successfully completes the second course of study set  
9 forth in section 256.16, subsection 3. However, an  
10 individual licensed pursuant to this paragraph shall  
11 be licensed only to serve as an administrator in a  
12 school district with an actual enrollment of five  
13 thousand five hundred or more pupils.  
14 b. An individual who possesses at least a  
15 bachelor's degree from an accredited postsecondary  
16 institution, who has been employed for at least five  
17 consecutive years in an area requiring knowledge and  
18 practical application of the individual's  
19 postsecondary academic background, who can document,  
20 to the satisfaction of the state board of educational  
21 examiners, successful experience working with  
22 children, may be issued a one-year, nonrenewable  
23 nontraditional conditional license to teach students  
24 in grades nine through twelve in the area of the  
25 individual's academic background and employment  
26 experience if the individual meets the requirements of  
27 section 256.16, subsection 3. In addition to these  
28 requirements, an individual seeking a nontraditional  
29 conditional license to teach special education  
30 students in grades nine through twelve shall document,  
31 to the satisfaction of the state board of educational  
32 examiners, five years of successful experience working  
33 with children requiring special education. An  
34 individual may be issued a provisional license to  
35 teach students in grades nine through twelve in the

36 area of the individual's academic background and  
 37 employment experience if the individual successfully  
 38 completes one year of teaching under a nontraditional  
 39 conditional license and successfully completes the  
 40 second course of study set forth in section 256.16,  
 41 subsection 3.

42 c. A person issued a nontraditional conditional or  
 43 provisional teaching license pursuant to paragraph "b"  
 44 shall successfully complete, at a minimum, a one-year  
 45 beginning teacher mentoring and induction program.  
 46 However, a school district may offer the individual a  
 47 second year of participation in the program if, after  
 48 conducting a comprehensive evaluation, the school  
 49 district determines that the individual is likely to  
 50 successfully complete the mentoring and induction

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1 program by the end of the second year.  
 2 d. An approved nontraditional practitioner  
 3 preparation internship program, and the school  
 4 district or accredited nonpublic school with which the  
 5 institution administering the program has a written  
 6 agreement in accordance with section 256.16,  
 7 subsection 3, shall provide information to the board  
 8 and any documentation regarding the student's  
 9 participation in the program that the board may  
 10 reasonably request.

11 Sec. 7. Section 272.2, Code 2001, is amended by  
 12 adding the following new subsection:  
 13 NEW SUBSECTION. 16. a. Administer the Praxis II  
 14 examination for knowledge of pedagogies and for not  
 15 more than one content area to each individual who is  
 16 applying for a nontraditional conditional license in  
 17 accordance with subsection 13, paragraph "b".

18 b. Examination fees for the examination required  
 19 under this subsection shall be paid by the board.  
 20 Costs incurred for additional content area  
 21 examinations shall be paid by the applicant.

22 c. The results of the examinations administered  
 23 pursuant to paragraph "a" shall be separately  
 24 maintained from the results of any examinations  
 25 administered to traditionally prepared students.

26 d. This subsection is repealed effective June 30,  
 27 2003.

28 Sec. 8. DEPARTMENTAL STUDIES. The department of  
 29 education shall do the following:

30 1. Compile and report, in consultation with the  
 31 board of educational examiners, information relating  
 32 to nontraditional practitioner preparation internship  
 33 programs, including the number of programs available  
 34 and geographic areas in which they are available, the

35 number of individuals who apply for a nontraditional  
 36 conditional license, the number of individuals  
 37 possessing a nontraditional conditional license who  
 38 apply for a provisional license, the subject areas in  
 39 which persons who possess nontraditional conditional  
 40 licenses are teaching and where they are teaching.  
 41 The department shall submit its findings and  
 42 recommendations in a report to the senate and house of  
 43 representatives standing committees on education by  
 44 December 1, 2002.  
 45 2. Analyze and compare, in consultation with the  
 46 board of educational examiners, the requirements for  
 47 practitioner licensure or endorsement that require a  
 48 master's degree and the master's degree requirements  
 49 established by approved practitioner preparation  
 50 graduate programs. The institutions offering approved

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1 practitioner preparation programs shall submit  
 2 information to the department as requested by the  
 3 department. The department shall submit its findings  
 4 and recommendations in a report to the senate and  
 5 house of representatives standing committees on  
 6 education by December 1, 2001."  
 7 2. By renumbering as necessary.

NANCY BOETTGER

### S-3616

1 Amend the amendment, S-3475, to House File 349, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking line 18 and inserting the  
 5 following:  
 6 "\_\_\_ Page 7, line 20, by striking the word  
 7 "five" and inserting the following: "three".  
 8 \_\_\_ Page 7, line 29, by inserting after the word  
 9 "certified." the following: "In enterprise zones  
 10 designated pursuant to this subsection, only an  
 11 eligible business under section 15E.193 shall be  
 12 eligible for incentives and assistance."  
 13 2. By renumbering as necessary.

MARK SHEARER

### S-3617

1 Amend and amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as

3 follows:  
 4 1. Page 2, by inserting after line 42 the  
 5 following:  
 6 "\_\_\_ . To construct a 50-bed stand-alone community-  
 7 based correctional facility to replace the existing  
 8 34-bed leased facility in Fort Dodge:  
 9 .....\$ 2,400,000  
 10 \_\_\_ . To construct a 50-bed expansion of the  
 11 existing 50-bed community-based correctional facility  
 12 in Ottumwa:  
 13 .....\$ 2,000,000  
 14 \_\_\_ . To construct a 75-bed stand-alone community-  
 15 based correctional facility in Sioux City:  
 16 .....\$ 3,600,000  
 17 \_\_\_ . To construct a 25-bed stand-alone community-  
 18 based correctional facility in Davenport:  
 19 .....\$ 1,200,000"  
 20 2. By renumbering as necessary.

ROBERT E. DVORSKY

**S-3618**

1 Amend House File 742, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 8, line 30, by striking the figure  
 4 "1,000,000" and inserting the following: "2,000,000".  
 5 2. Page 13, by inserting after line 29, the  
 6 following:  
 7 "\_\_\_ . For recreational grants to be used for the  
 8 restoration or construction of recreational complexes  
 9 or facilities under the recreational grant matching  
 10 program:  
 11 .....\$ 3,000,000  
 12 Matching grants awarded from the funds appropriated  
 13 in this subsection shall be awarded on a matching  
 14 basis of one dollar for every two dollars the  
 15 applicant had raised.  
 16 The department shall give special consideration to  
 17 recreational complex or facility projects which  
 18 involve public and private sector participation."  
 19 3. By renumbering, redesignating, and correcting  
 20 internal references as necessary.

BILL FINK  
 BETTY A. SOUKUP  
 JOE BOLKCOM  
 ROBERT E. DVORSKY  
 JACK HOLVECK  
 DENNIS H. BLACK  
 PATRICK J. DELUHERY  
 MARK SHEARER

**S-3619**

1 Amend House File 742, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 14, line 28, by striking the figure  
 4 "10,000,000" and inserting the following:  
 5 "12,500,000".

DENNIS H. BLACK  
 BETTY A. SOUKUP  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 ROBERT E. DVORSKY  
 JACK HOLVECK  
 MARK SHEARER  
 BILL FINK

**S-3620**

1 Amend House File 742, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 12, line 20, by striking the figure  
 4 "70,000" and inserting the following: "130,000".  
 5 2. Page 12, line 23, by striking the figure  
 6 "2,500,000" and inserting the following: "3,000,000".  
 7 3. Page 12, line 27, by striking the figure  
 8 "180,000" and inserting the following: "250,000".  
 9 4. Page 12, line 30, by striking the figure  
 10 "180,000" and inserting the following: "200,000".  
 11 5. Page 13, by inserting after line 29 the

12 following:  
 13 "\_\_\_\_. For continuation of the development of a  
 14 total maximum daily load program to restore impaired  
 15 waters of the state:  
 16 .....\$ 300,000"

17 6. By renumbering, redesignating, and correcting  
 18 internal references as necessary.

BETTY A. SOUKUP  
 PATRICK J. DELUHERY  
 JOE BOLKCOM  
 ROBERT E. DVORSKY  
 JACK HOLVECK  
 BILL FINK  
 DENNIS H. BLACK

**S-3621**

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 17 through 23, and  
5 inserting the following:

6 "\_\_\_\_. By striking page 6, line 27, through page  
7 7, line 34."

8 2. Page 4, by striking lines 34 through 43.

9 3. Page 11, line 37, by striking the figure  
10 "99E.10." and inserting the following: "99E.10.

11 DIVISION \_\_\_\_

12 STATE BOARD OF REGENTS CAPITAL PROJECTS

13 Sec. \_\_\_\_ STATE BOARD OF REGENTS BONDING.

14 1. FINDINGS. The general assembly finds that:

15 a. Pursuant to section 262A.3, the state board of  
16 regents prepared and within seven days after the  
17 convening of the Seventy-ninth General Assembly of the  
18 State of Iowa, First Session, submitted to the  
19 Seventy-ninth General Assembly, First Session, for  
20 approval the proposed five-year building program for  
21 each institution of higher learning under the  
22 jurisdiction of the board, containing a list of the  
23 buildings and facilities which the board deems  
24 necessary to further the educational objectives of the  
25 institutions, together with an estimate of the cost of  
26 each of the buildings and facilities and an estimate  
27 of the maximum amount of revenue bonds which the board  
28 expects to issue under chapter 262A for the fiscal  
29 period beginning July 1, 2001, and ending June 30,  
30 2003.

31 b. The projects contained in the capital  
32 improvement program are deemed necessary for the  
33 proper performance of the instructional, research, and  
34 service functions of the institutions.

35 c. Section 262A.4 provides that the state board of  
36 regents, after authorization by a constitutional  
37 majority of each house of the general assembly and  
38 approval by the governor, may undertake and carry out  
39 at the institutions of higher learning under the  
40 jurisdiction of the board any project as defined in  
41 chapter 262A.

42 d. Chapter 262A authorizes the state board of  
43 regents to borrow moneys and to issue and sell  
44 negotiable revenue bonds to pay all or any part of the  
45 cost of carrying out projects at any institution  
46 payable solely from and secured by an irrevocable  
47 pledge of a sufficient portion of the student fees and  
48 charges and institutional income received by the  
49 particular institution.

50 e. To further the educational objectives of the

1 institutions, the state board of regents requests  
2 authorization to undertake and carry out certain

3 projects at this time and to finance their costs by  
4 borrowing moneys and issuing negotiable bonds under  
5 chapter 262A in a total amount provided in this Act,  
6 the remaining costs of the projects to be financed by  
7 appropriations or by federal or other funds lawfully  
8 available.

9 2. APPROVAL -- LIMITS.

10 a. The proposed five-year building program  
11 submitted by the state board of regents for each  
12 institution of higher learning under its jurisdiction  
13 is approved and no commitment is implied or intended  
14 by approval to fund any portion of the proposed five-  
15 year building program submitted by the state board of  
16 regents beyond the portion that is financed and  
17 approved by the Seventy-ninth General Assembly, First  
18 Session, and the governor.

19 b. During the fiscal period that commences July 1,  
20 2001, and that ends June 30, 2003, the maximum amount  
21 of bonds which the state board of regents expects to  
22 issue under chapter 262A, unless additional bonding is  
23 authorized, is set forth in this Act, all or any part  
24 of which may be issued during the fiscal year ending  
25 June 30, 2002, and if all of that amount is not issued  
26 during that fiscal year, any remaining balance may be  
27 issued during the fiscal year ending June 30, 2003,  
28 and this plan of financing is approved.

29 3. PROJECTS. The state board of regents is  
30 authorized to undertake, plan, construct, equip, and  
31 otherwise carry out the following projects at the  
32 institutions of higher learning under the jurisdiction  
33 of the board, and the general assembly authorizes the  
34 state board of regents to borrow moneys and to issue  
35 and sell negotiable revenue bonds in the manner  
36 provided in sections 262A.5 and 262A.6 in order to pay  
37 all or any part of the costs of carrying out the  
38 projects at the institutions as follows:

- 39 a. Iowa state university of science and technology
- 40 Construction of a building for the college of
- 41 business project costs:
- 42 .....\$ 10,900,000
- 43 b. State university of Iowa
- 44 Construction of a building for the school of art
- 45 and art history project costs:
- 46 .....\$ 16,016,000
- 47 c. University of northern Iowa
- 48 Replacement of the steam distribution system, phase
- 49 1 project costs:
- 50 .....\$ 12,700,000

1 Total .....\$ 39,616,000

2 4. BOND AMOUNTS EXCEED COSTS. If the amount of

3 bonds issued under this section exceeds the actual

4 costs of projects approved in this section, the amount

5 of the difference shall be used to pay the principal

6 and interest due on bonds issued under chapter 262A.

7 5. CAPITALIZATION OF RESERVE FUNDS. The state

8 board of regents may capitalize the issuance costs and

9 bond reserve fund equal to eleven percent of each bond

10 issue with respect to bonds authorized pursuant to

11 this section and may increase the amount of the bonds

12 issued under this section to that extent.

13 DIVISION \_\_\_\_

14 SUPPLEMENTAL PROVISIONS

15 Sec. 101. 2000 Iowa Acts, chapter 1225, section

16 15, is amended to read as follows:

17 SEC. 15. There is appropriated from the rebuild

18 Iowa infrastructure fund to the state board of regents

19 for the fiscal ~~period~~ year beginning July 1, 2000, and

20 ending June 30, ~~2003~~ 2001, the following amounts, or

21 so much thereof as is necessary, to be used for the

22 purposes designated:

23 1. For improvements to Gilman hall at Iowa state

24 university of science and technology, including the

25 replacement of the heating, ventilation, and air

26 conditioning system, replacement of the fume hood

27 exhaust system, and the construction of an addition to

28 house mechanical equipment:

29 FY 2000-2001 .....\$ 8,500,000

30 FY 2001-2002 .....\$ ~~2,500,000~~

31 FY 2002-2003 .....\$ 0

32 2. For continued renovation of the biological

33 sciences facility at the state university of Iowa:

34 FY 2000-2001 .....\$ 4,400,000

35 FY ~~2001-2002~~ .....\$ ~~7,300,000~~

36 FY ~~2002-2003~~ .....\$ ~~3,000,000~~

37 3. For construction of an addition to McCollum

38 science hall at the university of northern Iowa:

39 FY 2000-2001 .....\$ 2,700,000

40 FY ~~2001-2002~~ .....\$ ~~5,800,000~~

41 FY ~~2002-2003~~ .....\$ ~~8,400,000~~

42 4. For planning and design of a new business

43 college building at Iowa state university of science

44 and technology, notwithstanding section 8.57,

45 subsection 5, paragraph "c":

46 FY 2000-2001 .....\$ 300,000

47 FY 2001-2002 .....\$ 0

48 FY 2002-2003 .....\$ 0

49 5. For improvements to or replacement of the water

50 system at the school for the deaf:

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1 .....	\$	250,000
2 The state board of regents is authorized to enter		
3 into contracts for the full cost of carrying out the		
4 projects listed in subsections 1 through 3, for which		
5 appropriations are made in those subsections. The		
6 state shall not be obligated for costs associated with		
7 contracts identified in this paragraph in excess of		
8 the funds appropriated by the general assembly.		
9 Sec. 102. BONDING AUTHORIZATION.		
10 1. Notwithstanding the provisions of section		
11 263A.3, for the fiscal year beginning July 1, 2000,		
12 and ending June 30, 2001, the general assembly		
13 declares that the state board of regents has met the		
14 general assembly's requirements regarding the		
15 preparation and submission to the general assembly of		
16 the proposed five-year building program for the fiscal		
17 period beginning July 1, 2000, and ending June 30,		
18 2005, for each institution of higher learning under		
19 the jurisdiction of the state board of regents, and		
20 the general assembly hereby approves that five-year		
21 building program as submitted. The general assembly		
22 finds that the projects contained in the building		
23 program are deemed necessary for the proper		
24 performance of the instructional, research, and		
25 service functions of the institutions, pursuant to		
26 section 262A.4.		
27 2. To further the educational objectives of the		
28 institutions, the general assembly authorizes the		
29 state board of regents to undertake, plan, construct,		
30 equip, and otherwise carry out at the institutions of		
31 higher learning under the jurisdiction of the board		
32 the following projects:		
33 a. Iowa state university of science and technology		
34 System upgrade of Gilman hall project costs:		
35 .....	\$	2,500,000
36 b. State university of Iowa		
37 Renovation of biological sciences buildings project		
38 costs:		
39 .....	\$	10,300,000
40 c. University of northern Iowa		
41 Addition to McCollum science hall project costs:		
42 .....	\$	14,200,000
43 Total .....	\$	27,000,000
44 3. The general assembly authorizes the state board		
45 of regents to borrow moneys and to issue and sell		
46 negotiable revenue bonds in the manner provided in		
47 sections 262A.5 and 262A.6, in order to pay all or any		
48 part of the costs of carrying out the projects. The		
49 negotiable revenue bonds shall be payable solely from		
50 and secured by an irrevocable pledge of a sufficient		

Page 5

1 portion of the student fees and charges and  
 2 institutional income received by the particular  
 3 institution.  
 4 4. The state board of regents may capitalize the  
 5 issuance costs and the bond reserve fund equal to  
 6 eleven percent of each bond issue with respect to  
 7 bonds authorized pursuant to this Act and may increase  
 8 the amount of the bonds issued under this Act to that  
 9 extent. If the amount of bonds issued under this Act  
 10 exceeds the actual costs of projects approved in this  
 11 Act, the amount of the difference shall be used to pay  
 12 the principal and interest due on bonds issued under  
 13 chapter 262A.

14 Sec. \_\_\_\_\_. The state board of regents is authorized  
 15 to enter into contracts for the full costs of carrying  
 16 out the projects listed in this division and for which  
 17 appropriations are made and bonding authorization  
 18 provided pursuant to this division. The state shall  
 19 not be obligated for costs associated with contracts  
 20 identified in this division in excess of the funds  
 21 appropriated and bonds authorized by the general  
 22 assembly.

23 Sec. \_\_\_\_\_. CONTINGENT EFFECTIVENESS. Section 101  
 24 of this Act takes effect only upon the enactment,  
 25 during the Seventy-ninth General Assembly, First  
 26 Regular Session, of bonding authority, in lieu of  
 27 appropriations struck pursuant to section 101, as set  
 28 forth and provided in section 102 of this Act."

29 4. Page 11, line 48, by inserting after the word  
 30 "appropriations," the following: "providing bonding  
 31 authorization to the state board of regents for  
 32 specific capital projects,".

33 5. By renumbering, redesignating, and correcting  
 34 internal references as necessary.

ROBERT E. DVORSKY  
 JOHNIE HAMMOND  
 PATRICIA HARPER  
 JOE BOLKCOM

### S-3622

1 Amend House File 740, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 5, line 16, by striking the figure "2003"  
 4 and inserting the following: "2002".

JOHNIE HAMMOND

**S-3623**

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 719

1 Amend the Senate amendment, H-1810, to House File  
2 719, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. By striking page 1, line 19 through page 2,  
5 line 3, and inserting the following:  
6 "\_\_\_\_. Page 4, by striking lines 18 through 35 and  
7 inserting the following: "the department of education  
8 in continuing this initiative."  
9 2. Page 2, line 4, by inserting after the figure  
10 "14" the following: "and inserting the following:  
11 "e. The next \$312,000 shall be allocated to the  
12 information technology department. Of this amount,  
13 \$252,000 shall be utilized for lease-purchase costs  
14 related to the justice data warehouse technology  
15 project, and \$60,000 shall be transferred to the  
16 division of criminal and juvenile justice planning of  
17 the department of human rights for 1.00 FTE to provide  
18 support for the justice data warehouse technology  
19 project."  
20 3. Page 2, by striking lines 5 through 8 and  
21 inserting the following:  
22 "\_\_\_\_. Page 5, by striking lines 15 through 17 and  
23 inserting the following:  
24 "\_\_\_\_. The next \$1,000,000 shall be allocated to  
25 the information technology department for  
26 implementation of an enterprise data warehouse.  
27 \_\_\_\_\_. The next \$500,000 shall be allocated to the  
28 secretary of state's office to replace the secretary  
29 of state's voter registration system.  
30 \_\_\_\_\_. The next \$1,000,000 shall be allocated to the  
31 Iowa department of workforce development for  
32 automation of the unemployment system.  
33 \_\_\_\_\_. The next \$250,000 shall be allocated to the  
34 department of agriculture and land stewardship for the  
35 e-commerce electronic licensing project.  
36 \_\_\_\_\_. The remaining amount in the pooled technology  
37 account shall be allocated to implement the  
38 recommendations of the information technology council.  
39 However, none of these funds may be utilized for  
40 asynchronous transfer mode technology conversion, the  
41 enterprise resource planning project, or digital  
42 broadcast conversion, or for lease-purchase payments  
43 in connection therewith. Amounts allocated pursuant to  
44 this paragraph shall include any reversions in excess  
45 of those necessary to fund the justice data warehouse  
46 project.""

47 4. Page 2, by striking lines 17 through 30 and  
 48 inserting the following:  
 49 "\_\_\_\_. Page 6, line 9, by inserting after the word  
 50 "account." the following: "Of the funds appropriated

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1 to the pooled technology account pursuant to this  
 2 subsection which remain after the deposit to the  
 3 general fund of the state specified in unnumbered  
 4 paragraph 2, \$312,000 shall be allocated to the  
 5 information technology department for lease-purchase  
 6 costs related to the justice data warehouse technology  
 7 project.""

8 5. Page 4, by striking line 5 and inserting the  
 9 following:

10 "\_\_\_\_. Page 9, line 29, by inserting after the  
 11 word "issues." the following: "The objective of the  
 12 study shall be to evaluate the viability of  
 13 establishing the state of Iowa as a distance learning  
 14 center. The study shall identify distance learning  
 15 technology opportunities between interested agencies  
 16 and entities involved in or potentially involved in  
 17 distance learning activities, including but not  
 18 limited to K-12 schools, area education agencies,  
 19 institutions of higher learning, the public  
 20 broadcasting division of the department of education,  
 21 the department of education, the Iowa communications  
 22 network, the information technology department, and  
 23 military and private sector institutions or  
 24 agencies.""

25 6. By renumbering, relettering, or redesignating  
 26 and correcting internal references as necessary.

### **S-3624**

1 Amend House File 740 as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 6, line 20, by inserting after the word  
 4 "costs." the following: "Any excess payment allowance  
 5 realized from the direct care cost component of the  
 6 modified price-based case-mix reimbursement shall be  
 7 expended to increase the compensation of direct care  
 8 workers or to increase the ratio of direct care  
 9 workers to residents."

10 2. Page 6, line 31, by inserting after the word  
 11 "costs." the following: "Any excess payment allowance  
 12 realized from the nondirect care cost component of the  
 13 modified price-based case-mix reimbursement shall be  
 14 used to fund quality of life improvements."

**S-3625**

- 1 Amend House File 740, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 11, line 2, by striking the figure "2000"
- 4 and inserting the following: "2001".
- 5 2. Page 12, by striking lines 21 through 25.
- 6 3. Title page, by striking lines 4 and 5, and
- 7 inserting the following: "department of human
- 8 services."
- 9 4. By renumbering as necessary.

JOHNIE HAMMOND  
MAGGIE TINSMAN

**S-3626**

- 1 Amend House File 742, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 27, by striking the figure
- 4 "1,000,000" and inserting the following: "2,000,000".
- 5 2. Page 3, by inserting after line 6 the
- 6 following:
- 7 "\_\_\_ . For the maintenance, storage, and cataloging
- 8 of Iowa's historical collections:
- 9 .....\$ 250,000"
- 10 3. Page 3, by inserting before line 24 the
- 11 following:
- 12 "DEPARTMENT OF EDUCATION
- 13 Sec. \_\_\_. There is appropriated from the rebuild
- 14 Iowa infrastructure fund to the department of
- 15 education for the fiscal year beginning July 1, 2001,
- 16 and ending June 30, 2002, the following amount, to be
- 17 used for the purpose designated:
- 18 To provide resources for structural and
- 19 technological improvements to local libraries,
- 20 notwithstanding section 8.57, subsection 5, paragraph
- 21 "c":
- 22 .....\$ 500,000"
- 23 4. Page 9, by inserting after line 28 the
- 24 following:
- 25 "DIVISION \_\_\_
- 26 REBUILD IOWA INFRASTRUCTURE FUND
- 27 TECHNOLOGY INFRASTRUCTURE
- 28 DEPARTMENT OF EDUCATION
- 29 Sec. \_\_\_. There is appropriated from the rebuild
- 30 Iowa infrastructure fund to the department of
- 31 education for the fiscal year beginning July 1, 2001,
- 32 and ending June 30, 2002, the following amounts, or so
- 33 much thereof as is necessary, to be used for the
- 34 purposes designated, notwithstanding section 8.57,

35 subsection 5, paragraph "c":  
 36 1. For technology improvements at community  
 37 colleges throughout the state:  
 38 .....\$ 5,500,000  
 39 2. For the twenty-first century learning  
 40 infrastructure:  
 41 .....\$ 1,900,000  
 42 Sec. \_\_. REVERSION. Notwithstanding section  
 43 8.33, moneys appropriated in this division of this Act  
 44 that remain unencumbered or unobligated at the close  
 45 of the fiscal year that begins July 1, 2002, shall  
 46 revert at the close of that fiscal year. However, if  
 47 the projects for which the moneys are appropriated are  
 48 completed in an earlier fiscal year, unencumbered or  
 49 unobligated moneys shall revert at the close of that  
 50 fiscal year."

Page 2

- 1 5. Title page, line 4, by inserting after the
- 2 word "development," the following: "the department of
- 3 education,".
- 4 6. By renumbering, redesignating, and correcting
- 5 internal references as necessary.

MIKE CONNOLLY  
 ROBERT E. DVORSKY  
 BETTY A. SOUKUP  
 THOMAS FIEGEN  
 MARK SHEARER  
 PATRICK J. DELUHERY

**S-3627**

1 Amend House File 742, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by inserting before line 24, the  
 4 following:  
 5 "Sec. \_\_. There is appropriated from the rebuild  
 6 Iowa infrastructure fund to the department of economic  
 7 development for the fiscal year beginning July 1,  
 8 2001, and ending June 30, 2002, the following amount,  
 9 or so much thereof as is necessary, to be used for the  
 10 purpose designated:  
 11 1. To be deposited in the physical infrastructure  
 12 assistance fund created in section 15E.175:  
 13 .....\$ 2,000,000  
 14 The department shall report to the general assembly  
 15 by June 30 of the fiscal year for which funds are  
 16 appropriated in this subsection regarding the amount  
 17 of such funds used for "vertical infrastructure"  
 18 projects and the amount of such funds used for

19 projects which result in the creation of "vertical  
20 infrastructure".

21 2. To provide financial assistance in the form of  
22 grants, loans, or forgivable loans for advanced  
23 research and commercialization projects involving  
24 value-added agriculture, advanced technology, or  
25 biotechnology, notwithstanding section 8.57,  
26 subsection 5, paragraph "c":

27 .....\$ 4,000,000

28 Of the amount appropriated in this subsection,  
29 \$2,075,000 shall be allocated for activities supported  
30 by the Iowa new economy council created in 2001 Iowa  
31 Acts, House File 697, if enacted."

32 2. Page 5, by inserting after line 8, the  
33 following:

34 "IOWA FINANCE AUTHORITY  
35 Sec. \_\_\_\_\_. There is appropriated from the rebuild  
36 Iowa infrastructure fund to the Iowa finance authority  
37 for the fiscal year beginning July 1, 2001, and ending  
38 June 30, 2002, the following amount, or so much  
39 thereof as is necessary, to be used for the purpose  
40 designated:

41 For deposit in the housing trust fund, if created  
42 by the 2001 general assembly, notwithstanding section  
43 8.57, subsection 5, paragraph "c":

44 .....\$ 2,200,000"

45 3. Page 9, by inserting after line 28, the  
46 following:

47 "DIVISION \_\_\_\_  
48 REBUILD IOWA INFRASTRUCTURE FUND  
49 TECHNOLOGY INFRASTRUCTURE  
50 DEPARTMENT OF ECONOMIC DEVELOPMENT

Page 2

1 Sec. \_\_\_\_\_. There is appropriated from the rebuild  
2 Iowa infrastructure fund to the department of economic  
3 development for the fiscal year beginning July 1,  
4 2001, and ending June 30, 2002, the following amounts,  
5 or so much thereof as is necessary, to be used for the  
6 purposes designated:

7 1. For the establishment of an Iowa alliance for  
8 advanced telecommunications services (ATS) and for the  
9 development of a comprehensive statewide plan,  
10 notwithstanding section 8.57, subsection 5, paragraph  
11 "c":

12 .....\$ 200,000

13 2. For the establishment of an Iowa network access  
14 point and peering points for telecommunications  
15 traffic among multiple service providers,  
16 notwithstanding section 8.57, subsection 5, paragraph  
17 "c":

18 .....\$ 200,000

19 3. For creation of a community advanced

20 telecommunications fund to aid communities in

21 developing access to advanced telecommunications

22 services, notwithstanding section 8.57, subsection 5,

23 paragraph "c":

24 .....\$ 600,000"

25 4. Page 15, by inserting after line 35, the

26 following:

27 "Sec. \_\_\_\_ Section 15.354, subsection 1, Code

28 2001, is amended to read as follows:

29 1. The local housing assistance program fund is

30 created consisting of ~~one million dollars appropriated~~

31 ~~from the rebuild Iowa infrastructure fund each fiscal~~

32 ~~year starting with the fiscal year beginning July 1,~~

33 ~~1997, and ending June 30, 1998, and ending with the~~

34 ~~fiscal year beginning July 1, 2001, and ending June~~

35 ~~30, 2002, notwithstanding section 8.57, subsection 5,~~

36 ~~paragraph "c", and any other moneys appropriated to or~~

37 ~~received by the department for deposit in the fund."~~

38 5. Title page, line 5, by inserting after the

39 word "services," the following: "the Iowa finance

40 authority,".

41 6. By renumbering, redesignating, and correcting

42 internal references as necessary.

MARK SHEARER  
 ROBERT E. DVORSKY  
 BETTY A. SOUKUP  
 THOMAS FIEGEN  
 PATRICK J. DELUHERY

**S-3628**

1 Amend the amendment, S-3613, to House File 742, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 2, by striking lines 14 through 16, and

5 inserting the following:

6 "FY 2001-2002 .....\$ 12,500,000

7 ..... 0

8 FY 2002-2003 .....\$ 12,500,000"

JEFF LAMBERTI

**S-3629**

1 Amend House File 637, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 13, by striking lines 26 through 32 and

4 inserting the following:

5 "The maintenance of a ~~county~~ library established in  
 6 accordance with this chapter shall be on the basis of  
 7 each participating unit bearing its share of the total  
 8 cost in proportion to its population as compared to  
 9 the total population of the ~~county~~ library district.  
 10 The board of library trustees shall make".  
 11 2. Page 14, by inserting after line 19, the  
 12 following:  
 13 "This section shall not affect the taxing authority  
 14 provided under section 256.69."

KITTY REHBERG

### S-3630

1 Amend House File 714, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by striking lines 16 through 23, and  
 4 inserting the following: "programs, training for the  
 5 physically or mentally challenged, and other  
 6 educational programs deemed beneficial to the  
 7 participants."

PAUL MCKINLEY

### S-3631

1 Amend Senate File 522 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 15.380 SHORT TITLE.  
 5 This part shall be known as and may be cited as the  
 6 "Community Development Program Act".  
 7 Sec. 2. NEW SECTION. 15.381 DEFINITIONS.  
 8 As used in this part, unless the context otherwise  
 9 requires:  
 10 1. "Business" means all businesses operating  
 11 within the state and includes individuals operating a  
 12 sole proprietorship or having rental, royalty, or farm  
 13 income in this state and includes a consortium of  
 14 businesses.  
 15 2. a. "Child care" means the same as defined in  
 16 section 237A.1.  
 17 b. "Child care center" means a facility licensed  
 18 pursuant to section 237A.2 to provide child care.  
 19 3. "Community services" means, but is not limited  
 20 to, individual, group, and family counseling; parent  
 21 and early childhood education; mental health services;  
 22 primary care and community medical health centers;  
 23 child and adult care services; senior citizen service  
 24 centers; recreation programs; nutrition programs;

25 emergency shelters for persons suffering from physical  
26 abuse or rape; services for the handicapped; sheltered  
27 workshops, vocational counseling; substance abuse  
28 counseling; and referral services.

29 4. "Contribution" includes cash, material or  
30 supplies, real estate, labor, professional services,  
31 technical assistance, or equipment. "Contribution"  
32 does not include investments made by a financial  
33 institution or insurance company in the normal course  
34 of its business.

35 5. "Crime prevention" means activities which  
36 include but are not limited to services to ex-  
37 offenders, local civilian organizations that help  
38 prevent crime or provide aid to victims of crime,  
39 mediation services aimed at resolving disputes and  
40 conflicts before they become criminal incidents, or  
41 services to juveniles who have had contact with the  
42 court or police.

43 6. "Distressed or blighted area" means an area  
44 designated or that qualifies under section 15E.194 to  
45 be designated an enterprise zone pursuant to chapter  
46 15E, division XVIII, designated as a slum or blighted  
47 area pursuant to chapter 403, or designated as a  
48 revitalization area pursuant to chapter 404.

49 7. "Economic development" means the acquisition,  
50 renovation, improvement, or the furnishing or

Page 2

1 equipping of existing buildings and real estate in  
2 distressed or blighted areas of the state when this  
3 acquisition, renovation, improvement, or the  
4 furnishing or equipping of the existing buildings and  
5 real estate will result in the creation or retention  
6 of jobs within the state.

7 8. "Education" includes literacy programs, adult  
8 basic education and general educational development  
9 certificate programs, English as a second language  
10 program designed to teach English to students or  
11 adults whose native language is other than English,  
12 training for the physically or mentally challenged,  
13 and educational programs to assist persons who have  
14 dropped out of school for reason other than death or  
15 transfer to another school or to assist students who  
16 are at-risk of dropping out or failing to meet the  
17 goals of the educational agenda established by the  
18 school district.

19 9. "Job training" means those activities which  
20 provide specific vocational skills including special  
21 apprenticeship or on-the-job training programs not  
22 otherwise available.

23 10. "Neighborhood area" means a specific

24 geographic area certified by the department as having  
25 a readily identifiable residential population and  
26 which may include, but is not limited to, any of the  
27 following factors:  
28 a. A sense of belonging or identity that ties  
29 residents to a given area.  
30 b. Social, cultural, political, or economic  
31 activities around which people organize themselves.  
32 c. The existence of cohesive organizations formed  
33 by residents.  
34 d. A city with a population of less than ten  
35 thousand or a region within a rural area may be  
36 certified as a neighborhood area.  
37 e. A history of acting or being treated as a  
38 distinct or cohesive unit.  
39 f. The area is designated as a community  
40 empowerment area in accordance with chapter 28.  
41 11. "Physical revitalization" means activities  
42 designed for the physical improvement of any part or  
43 all of a neighborhood area. These activities may  
44 include, but are not limited to, such programs as  
45 commercial area revitalization; housing construction  
46 or rehabilitation; improvements to or acquisition or  
47 construction of facilities used by nonprofit  
48 organizations for community purposes or related  
49 planning and promotional activities designed to aid in  
50 those programs.

Page 3

1 12. a. "Qualifying organization" means an  
2 organization performing community services or economic  
3 development activities in the state and is any of the  
4 following:  
5 (1) A person or organization that is exempt from  
6 federal income taxation under the Internal Revenue  
7 Code as defined in section 422.3.  
8 (2) A nonprofit corporation organized under the  
9 laws of this state.  
10 (3) Designated as a community development  
11 corporation by the federal government pursuant to,  
12 Title VII of the Economic Opportunity Act of 1964,  
13 Pub. L. No. 88-452.  
14 (4) A community empowerment area board created in  
15 accordance with chapter 28.  
16 b. "Qualifying organization" does not include any  
17 of the following:  
18 (1) A unit or agency of the state, local  
19 government, or educational institution. This  
20 subparagraph shall not be interpreted to prevent a  
21 community empowerment area board from being considered  
22 a qualifying organization.

23 (2) A foundation or trust of a postsecondary  
24 educational institution.

25 (3) A church-affiliated religious organization  
26 unless the organization is without religious  
27 discrimination or is not controlled by a single  
28 denomination.

29 Sec. 3. NEW SECTION. 15.382 COMMUNITY  
30 DEVELOPMENT AND CHILD CARE CENTER TAX CREDITS --  
31 APPROVAL OF PROJECTS AND PROPOSALS.

32 1. TAX CREDITS.

33 a. A business which engages in the activities of  
34 providing physical revitalization, economic  
35 development, job training or education for  
36 individuals, community services, or crime prevention  
37 in the state shall receive a community development tax  
38 credit as provided in section 15.383 if the director  
39 annually approves the proposal of the business.  
40 However, a proposal for a community development tax  
41 credit shall not be approved which does not have the  
42 endorsement of the local government for the area in  
43 which the business is engaging in such activities that  
44 the proposal is consistent with the overall community  
45 or neighborhood development plan adopted by that local  
46 government.

47 b. A business which for the benefit of its  
48 employees builds, contributes to, or operates a new or  
49 existing child care center in the state or subsidizes  
50 access to a child care center in the state shall

Page 4

1 receive a child care center tax credit as provided in  
2 section 15.383 if the director annually approves the  
3 proposal of the business.

4 2. ECONOMIC DEVELOPMENT PROJECTS. For economic  
5 development projects in distressed or blighted areas  
6 for which community development tax credits under this  
7 part may be approved, the following guidelines apply:

8 a. Applications shall be accepted from any locally  
9 based qualifying organization wishing to conduct an  
10 economic development project in a distressed or  
11 blighted area.

12 b. Applicants may not administer more than one  
13 economic development project at a time. A project may  
14 include more than one building, provided that the  
15 proposal meets all other eligibility requirements as  
16 set forth in this subsection and rules of the  
17 department.

18 c. Applications will be accepted by the department  
19 at any time of the year and will be approved on a  
20 case-by-case basis as all the necessary requirements  
21 are met and as credits become available.

22 d. A maximum authorization of one hundred fifty  
23 thousand dollars in community development tax credits  
24 will be permitted per project and no more than five  
25 percent of the credits authorized for the project  
26 shall normally be allowed for administrative and  
27 operating expenses. In unusual circumstances, a  
28 higher percentage may be allowed at the discretion of  
29 the department.

30 e. Applicants must obtain a nonbinding commitment  
31 from a prospective business or businesses willing to  
32 locate to the facility and demonstrate that at least  
33 one job will be created or retained for every ten  
34 thousand dollars in credits requested. Eligible types  
35 of businesses include retail, commercial, service, and  
36 manufacturing.

37 3. COMMUNITY DEVELOPMENT PROJECTS. For community  
38 development projects, other than economic development  
39 projects, for which community development tax credits  
40 under this part may be approved, the following  
41 procedures, criteria, and priorities apply:

42 a. A proposal for a proposed program shall be  
43 submitted by a qualifying organization for carrying  
44 out a specific project consistent with the purposes of  
45 this part.

46 b. All proposals shall be made on the forms  
47 supplied by the department. Each proposal shall  
48 contain a project budget and shall identify, if  
49 possible, the items and amounts of the budget which  
50 will be provided for from contributions from any

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1 business. A project budget shall be approved by the  
2 department. The department may request any additional  
3 information it determines necessary to evaluate a  
4 proposal or plan.

5 c. Community development projects and the budgets  
6 for them may be approved for a period of up to three  
7 years at the discretion of the director.

8 d. An annual application deadline shall be  
9 determined by the department and application materials  
10 shall be distributed upon request no less than sixty  
11 days prior to the actual application deadline.

12 e. All proposals must address at least one of the  
13 following priorities in order to qualify for approval:

14 (1) The project substantially contributes to self-  
15 help efforts by residents of the neighborhood area to  
16 be served in addressing locally defined objectives.

17 (2) The project will result in the provision of  
18 essential services to low-income and moderate-income  
19 families which would not otherwise be provided in the  
20 affected neighborhood area and for which there are not

21 other resources. "Low-income and moderate-income  
22 families" means those families, including single-  
23 person households, earning no more than eighty percent  
24 of the higher of the median family income of the  
25 county or the statewide nonmetropolitan area as  
26 determined by the latest United States department of  
27 housing and urban development, section 8 income  
28 guidelines.

29 (3) The project tangibly contributes to the  
30 development of lasting cooperation and partnership  
31 efforts of neighborhood organizations and businesses.

32 f. Approval or disapproval of proposals shall be  
33 based on the following criteria:

34 (1) The director must certify an area as  
35 experiencing problems endangering the area's existence  
36 as a viable and stable neighborhood to be eligible for  
37 assistance.

38 (2) The qualifying organization submitting the  
39 proposal must demonstrate its capacity to adequately  
40 administer the project.

41 (3) There must be a demonstrated need for the  
42 program in the neighborhood area within which the  
43 project is to be carried out.

44 (4) The proposal must demonstrate that residents  
45 of the affected neighborhood area have been involved  
46 in the planning of the proposed project and describe  
47 the extent to which they will be involved in its  
48 implementation.

49 (5) The proposal must be consistent with all  
50 locally approved community or neighborhood development

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1 plans for the area.

2 (6) Proposals submitted subsequent to the first  
3 year will be evaluated on performance of the first-  
4 year project, other resources developed, continued  
5 need, and potential for eventual self-sufficiency.

6 g. In no case shall a project be approved that  
7 does not have a written endorsement of the appropriate  
8 local public authority with notification given to the  
9 community empowerment board.

10 h. The maximum amount of community development tax  
11 credits allowed per project is one hundred fifty  
12 thousand dollars.

13 i. For purposes of the criterion in paragraph "f",  
14 subparagraph (1), an area is experiencing problems  
15 endangering its existence as a viable and stable  
16 neighborhood if some of the following factors are  
17 present: declining population, high percentage of  
18 people dependent on public assistance, persistent or  
19 substantial unemployment or underemployment, lower

20 than average family incomes, financial disinvestment,  
21 insurance and financial redlining, general weakened  
22 market conditions on the neighborhood commercial strip  
23 as indicated by declining rents or vacant stores,  
24 excessive abandonment of properties, a significant  
25 percentage of neighborhood residents on fixed incomes,  
26 unsanitary or inadequate housing, overcrowding,  
27 significant proportion of the property is rental  
28 property, property speculation, high rates of crime  
29 and delinquency, high degree of drug or alcohol abuse,  
30 increasing cases of mental health problems,  
31 significant numbers of single-parent households, high  
32 degree of infant mortality and disease, disabilities,  
33 general unsanitary conditions in the area, or poor  
34 city and public utility services.

35 4. CHILD CARE EMPLOYEE BENEFITS. For child care  
36 employee benefits for which a child care center tax  
37 credit under this part may be approved, the following  
38 apply:

39 a. A proposal for a project shall be submitted by  
40 a business located in or doing business in the state.

41 b. The proposal shall be on forms supplied by the  
42 department. The proposal shall identify the location  
43 of the child care center which must be in the state.  
44 The proposal shall contain a statement on whether the  
45 business is also seeking a community development tax  
46 credit for providing child care for its employees.

47 c. To be eligible for a child care center tax  
48 credit, the business must provide child care employee  
49 benefits for its employees through any of the  
50 following:

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1 (1) Build a new structure or rehabilitate an  
2 existing structure to be used as a child care center.  
3 A business may do the building or rehabilitating in  
4 conjunction with another business or entity but only  
5 the business's actual costs shall be considered in  
6 determining the amount of credit. At least five  
7 children of its employees are provided child care at  
8 the center.

9 (2) Operate or lease a child care center where at  
10 least five children of its employees are provided  
11 child care at the center.

12 (3) Donate money, supplies, or other tangible  
13 personal property to a child care center where at  
14 least five children of its employees are provided  
15 child care.

16 (4) Pay the cost for the equivalent of five  
17 children of its employees to attend a child care  
18 center.

19 d. A business is ineligible for a child care  
20 center tax credit if any of the following applies:  
21 (1) It derives income from the operation, lease,  
22 or management of more than one child care center.  
23 (2) The business has received a community  
24 development tax credit for activities related to the  
25 child care center for which it is seeking a tax  
26 credit.

27 e. An annual application deadline shall be  
28 determined by the department and application material  
29 shall be distributed upon request no less than sixty  
30 days prior to the actual application deadline.

31 5. TAX CREDIT APPLICATION.

32 a. The department shall approve or disapprove  
33 applications for community development tax credits to  
34 businesses which have invested in approved economic  
35 development projects or other community development  
36 projects or for child care center tax credits for  
37 businesses that have provided child care for the  
38 benefit of their employees. The director, upon  
39 approval of an application, shall notify the director  
40 of revenue and finance and the governor of those  
41 businesses entitled to a tax credit.

42 If the business meets the criteria for eligibility,  
43 the department of economic development shall issue to  
44 the business a certification of entitlement for the  
45 community development tax credit or child care center  
46 tax credit. The certification shall contain the name  
47 of the business, address, tax identification number,  
48 the amount of the credit, the tax year for which the  
49 certificate applies, and any other information  
50 required by the department of revenue and finance.

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1 b. The procedures and requirements for filing a  
2 tax credit application are as follows:  
3 (1) Businesses wanting to donate to a particular  
4 community development project or wanting to provide  
5 child care employee benefits, but first wishing to  
6 verify the eligibility of the donation or provision of  
7 child care employee benefits for a tax credit, may  
8 submit a tax credit eligibility confirmation form to  
9 the department. The department will confirm in  
10 writing whether or not the donation or the provision  
11 of child care employee benefits qualifies for credit  
12 and how the value of the credit will be determined.  
13 This confirmation will not constitute credit approval.

14 (2) In order to qualify for credit, donations or  
15 providing of child care employee benefits must occur  
16 during the approved project period with the exception  
17 of donated audit services, which may occur anytime

18 during the six-month period following the project  
19 period, and must be directly related to the approved  
20 project.

21 (3) Businesses wishing to apply for credit must  
22 complete a community development tax credit  
23 application or child care center tax credit  
24 application. A business providing child care for the  
25 benefit of its employees may complete and file both  
26 applications, but only one credit shall be approved.

27 (4) Tax credit applications are to be signed by  
28 the qualifying organization or the managing entity of  
29 the child care center, as applicable, and submitted  
30 directly to the department not later than one year  
31 following the date of donation or providing of child  
32 care employee benefits.

33 (5) The order in which completed credit  
34 applications are received by the department will  
35 determine the order in which credits are approved.  
36 Facsimile copies will not be considered completed  
37 applications.

38 (6) Every transmittal of community development tax  
39 credit applications to the department must be  
40 accompanied by a project report prepared by the  
41 qualifying organization.

42 (7) The department shall examine all submitted  
43 applications and determine which donations or child  
44 care employee benefits meet the eligibility criteria.

45 c. The department shall establish by rule the  
46 methods to be used in determining the value of  
47 contributions or child care employee benefits of a  
48 business.

49 Sec. 4. NEW SECTION. 15.383 TAX CREDITS --  
50 DOCUMENTATION.

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1 1. For a tax credit application approved pursuant  
2 to section 15.382, the community development tax  
3 credit or child care center tax credit available under  
4 this part may be used to reduce the tax liability  
5 imposed under chapter 422, division II, III, or V, or  
6 chapter 432 or 533.

7 2. Subject to subsections 4 and 5, the amount of  
8 the community development tax credit shall be fifty  
9 percent of the contribution made by the business  
10 during the tax year.

11 3. Subject to subsections 4 and 6, the amount of  
12 the child care center tax credit shall be twenty-five  
13 percent of the cost to provide the child care employee  
14 benefits.

15 4. a. The tax credit shall not exceed one hundred  
16 thousand dollars annually.

- 17 b. Any tax credit in excess of the business's tax  
 18 liability for a tax year may be credited to the tax  
 19 liability for the following five tax years or until  
 20 depleted, whichever is the earlier.
- 21 c. A financial institution or insurance company  
 22 shall not receive a tax credit for activities that are  
 23 part of its normal course of business.
- 24 d. To be eligible to receive the tax credit, a  
 25 business shall provide documentation of the  
 26 contributions or costs on which the credit is based.  
 27 The documentation shall be as specified by rules of  
 28 the department.
- 29 5. The total amount of community development tax  
 30 credits that may be approved pursuant to this part  
 31 shall not exceed two million dollars in any fiscal  
 32 year.
- 33 6. The total amount of child care center tax  
 34 credits that may be approved pursuant to this part  
 35 shall not exceed two million dollars in any fiscal  
 36 year.

37 Sec. 5. NEW SECTION. 422.11C COMMUNITY  
 38 DEVELOPMENT OR CHILD CARE CENTER TAX CREDIT.

39 The taxes imposed under this division, less the  
 40 credits allowed under sections 422.12 and 422.12B,  
 41 shall be reduced by a community development tax credit  
 42 or child care center tax credit received pursuant to  
 43 sections 15.380 through 15.383.

44 An individual may claim the tax credit allowed a  
 45 partnership, limited liability company, S corporation,  
 46 or estate or trust electing to have the income taxed  
 47 directly to the individual. The amount claimed by the  
 48 individual shall be based upon the pro rata share of  
 49 the individual's earnings of the partnership, limited  
 50 liability company, S corporation, or estate or trust.

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- 1 Any credit in excess of the tax liability for the  
 2 tax year may be credited to the tax liability for the  
 3 following five tax years or until depleted, whichever  
 4 is earlier.
- 5 If the community development tax credit or child  
 6 care center tax credit is taken on the tax return, a  
 7 deduction shall not be allowed for Iowa tax purposes  
 8 for contributions made to a community development  
 9 project or expenditures for providing child care  
 10 employee benefits which are deductible for federal tax  
 11 purposes.
- 12 Sec. 6. Section 422.33, Code 2001, is amended by  
 13 adding the following new subsection:  
 14 NEW SUBSECTION. 11. The taxes imposed under this  
 15 division shall be reduced by a community development

16 tax credit or child care center tax credit received  
17 pursuant to sections 15.380 through 15.383.  
18 Any credit in excess of the tax liability for the  
19 tax year may be credited to the tax liability for  
20 following five tax years or until depleted, whichever  
21 is earlier.

22 If the community development tax credit or child  
23 care center tax credit is taken on the tax return, a  
24 deduction shall not be allowed for Iowa tax purposes  
25 for contributions made to a community development  
26 project or expenditures for providing child care  
27 employee benefits which are deductible for federal tax  
28 purposes.

29 Sec. 7. Section 422.60, Code 2001, is amended by  
30 adding the following new subsection:

31 NEW SUBSECTION. 4. The taxes imposed under this  
32 division shall be reduced by a community development  
33 tax credit or child care center tax credit received  
34 pursuant to sections 15.380 through 15.383.

35 Any credit in excess of the tax liability for the  
36 tax year may be credited to the tax liability for the  
37 following five tax years or until depleted, whichever  
38 is earlier.

39 If the community development tax credit or child  
40 care center tax credit is taken on the tax return, a  
41 deduction shall not be allowed for Iowa tax purposes  
42 for contributions made to a community development  
43 project or expenditures for providing child care  
44 employee benefits which are deductible for federal tax  
45 purposes.

46 Sec. 8. NEW SECTION. 432.12A COMMUNITY  
47 DEVELOPMENT OR CHILD CARE CENTER TAX CREDIT.

48 The tax imposed under this chapter shall be reduced  
49 by a community development tax credit or child care  
50 center tax credit received pursuant to sections 15.380

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1 through 15.383.

2 Any credit in excess of the tax liability for the  
3 calendar year may be credited to the tax liability for  
4 the following five calendar years or until depleted,  
5 whichever is earlier.

6 Sec. 9. Section 533.24, Code 2001, is amended by  
7 adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The tax imposed on  
9 moneys and credits under this section shall be reduced  
10 by a community development tax credit or child care  
11 center tax credit received pursuant to sections 15.380  
12 through 15.383. Any credit in excess of the tax  
13 liability for the tax year may be credited to the tax  
14 liability for the following five tax years or until

15 depleted, whichever is earlier.

16 Sec. 10. EFFECTIVE AND APPLICABILITY PROVISION.

17 This Act takes effect only if the revenue estimating  
18 conference estimates that, as a result of the  
19 enactment of federal income tax legislation prior to  
20 January 1, 2002, Iowa income tax receipts for the  
21 fiscal year beginning July 1, 2001, will be increased  
22 by \$7.9 million or more over the amount of Iowa income  
23 tax receipts which would have been realized in the  
24 absence of the enactment of such federal income tax  
25 legislation. If this Act takes effect, sections 5  
26 through 9 of this Act apply to tax years beginning on  
27 or after January 1, 2002."

PAUL MCKINLEY

**S-3632**

HOUSE AMENDMENT TO  
SENATE FILE 535

1 Amend Senate File 535, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, line 8, by striking the figure "98.45"  
4 and inserting the following: "104.45".

5 2. Page 8, by striking lines 33 through 35 and  
6 inserting the following: "salaries, support,  
7 maintenance, and miscellaneous purposes:"

8 3. Page 9, by striking line 2.

9 4. Page 9, by striking lines 25 through 34 and  
10 inserting the following:

11 "b. Notwithstanding any other provision of law to  
12 the contrary, for the fiscal year beginning July 1,  
13 2001, the total amount available for distribution for  
14 that fiscal year from the school ready children grants  
15 account from the appropriation made in this  
16 subsection, in 2001 Iowa Acts, Senate File 537, if  
17 enacted, and in any other appropriation made to the  
18 account for the fiscal year beginning July 1, 2001,  
19 shall be distributed as follows:

20 (1) The designated community empowerment areas  
21 that first received a school ready children grant in a  
22 fiscal year prior to fiscal year 2000-2001 shall  
23 receive 94 percent of the amount distributed to each  
24 area in fiscal year 2000-2001.

25 (2) The designated community empowerment areas  
26 that first received a school ready children grant in  
27 fiscal year 2000-2001 shall receive 74.185 percent of  
28 the amount distributed to each area in fiscal year  
29 2000-2001, as adjusted for annualization."

30 5. Page 13, by inserting after line 28, the  
31 following:

32 "Funds appropriated in this lettered paragraph  
 33 shall not be available for expenditure for medically  
 34 induced termination of a pregnancy, including but not  
 35 limited to usage of mifepristone or RU-486, offered or  
 36 administered by the student health center."

37 6. Page 18, by inserting after line 14, the  
 38 following:

39 "Funds appropriated in this lettered paragraph  
 40 shall not be available for expenditure for medically  
 41 induced termination of a pregnancy, including but not  
 42 limited to usage of mifepristone or RU-486, offered or  
 43 administered by the student health center."

44 7. Page 19, by inserting after line 18, the  
 45 following:

46 "Funds appropriated in this lettered paragraph  
 47 shall not be available for expenditure for medically  
 48 induced termination of a pregnancy, including but not  
 49 limited to usage of mifepristone or RU-486, offered or  
 50 administered by the student health center."

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- 1 8. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

### S-3633

#### HOUSE AMENDMENT TO SENATE FILE 515

1 Amend Senate File 515, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 3, line 4, by inserting after the word  
 4 "board" the following: ", in consultation with the  
 5 state department of transportation,".

6 2. Page 4, line 1, by inserting after the word  
 7 "fee" the following: ", if applicable,".

8 3. Page 4, line 10, by inserting after the word  
 9 "right-of-way" the following: "for a crossing, other  
 10 than a crossing along the public roads of the state  
 11 pursuant to chapter 477,".

12 4. By renumbering, redesignating, and correcting  
 13 internal references as necessary.

### S-3634

#### HOUSE AMENDMENT TO SENATE FILE 211

- 1 Amend Senate File 211, as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. Page 3, line 4, by striking the words  
 4 "previous fiscal year" and inserting the following:  
 5 "two previous fiscal year years".

**S-3635**

1 Amend Senate File 541 as follows:

2 1. By striking page 3, line 2, through page 5,  
 3 line 21, and inserting the following:  
 4 "Sec. \_\_\_\_ STATE OFFICERS -- SALARY RATES AND  
 5 RANGES. The following annual salary ranges are  
 6 effective for the positions specified in this section  
 7 for the fiscal year beginning July 1, 2001, and for  
 8 subsequent fiscal years until otherwise provided by  
 9 the general assembly. The governor or other person  
 10 designated in section 3 of this Act shall determine  
 11 the salary to be paid to the person indicated at a  
 12 rate within the salary ranges indicated from funds  
 13 appropriated by the general assembly for that purpose.

14 1. The following are salary ranges 1 through 5 for  
 15 the fiscal year beginning July 1, 2001, effective with  
 16 the pay period beginning June 22, 2001:

17 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
18 a. Range 1 .....	\$ 8,800	\$ 29,870
19 b. Range 2 .....	\$ 32,200	\$ 60,255
20 c. Range 3 .....	\$ 44,100	\$ 70,246
21 d. Range 4 .....	\$ 53,100	\$ 80,340
22 e. Range 5 .....	\$ 62,400	\$ 90,434

23 2. The following are range 1 positions: There are  
 24 no range 1 positions for the fiscal year beginning  
 25 July 1, 2001.

26 3. The following are range 2 positions:  
 27 administrator of the arts division of the department  
 28 of cultural affairs, administrators of the division of  
 29 persons with disabilities, the division on the status  
 30 of women, the division on the status of African-  
 31 Americans, the division of deaf services, and the  
 32 division of Latino affairs of the department of human  
 33 rights, and administrator of the division of  
 34 professional licensing and regulation of the  
 35 department of commerce.

36 4. The following are range 3 positions:  
 37 administrator of the division of emergency management  
 38 of the department of public defense, administrator of  
 39 the division of criminal and juvenile justice planning  
 40 of the department of human rights, administrator of  
 41 the division of community action agencies of the  
 42 department of human rights, executive director of the  
 43 commission of veterans affairs, and chairperson and  
 44 members of the employment appeal board of the  
 45 department of inspections and appeals.

46 5. The following are range 4 positions:

47 superintendent of banking, superintendent of credit  
48 unions, and chairperson, vice chairperson, and members  
49 of the board of parole.  
50 6. The following are range 5 positions: consumer

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1 advocate, state public defender, drug policy  
2 coordinator, labor commissioner, workers' compensation  
3 commissioner, administrator of the alcohol beverages  
4 division of the department of commerce, and  
5 administrator of the historical division of the  
6 department of cultural affairs.

7 7. The following are salary ranges 6 through 9 for  
8 the fiscal year beginning July 1, 2001, effective with  
9 the pay period beginning June 22, 2001:

10 SALARY RANGES.....	<u>Minimum</u>	<u>Maximum</u>
11 a. Range 6 .....	\$ 48,200	\$ 80,340
12 b. Range 7 .....	\$ 66,000	\$ 91,155
13 c. Range 8 .....	\$ 70,800	\$ 105,781
14 d. Range 9 .....	\$ 79,000	\$ 126,175

15 8. The following are range 6 positions: director  
16 of the department of human rights, director of the  
17 Iowa state civil rights commission, executive director  
18 of the college student aid commission, director of the  
19 department for the blind, and executive director of  
20 the ethics and campaign disclosure board.

21 9. The following are range 7 positions: director  
22 of the department of cultural affairs, director of the  
23 department of elder affairs, and director of the law  
24 enforcement academy.

25 10. The following are range 8 positions: the  
26 administrator of the state racing and gaming  
27 commission of the department of inspections and  
28 appeals, director of the department of inspections and  
29 appeals, commandant of the veterans home, director of  
30 the department of general services, director of the  
31 department of personnel, administrator of the public  
32 broadcasting division of the department of education,  
33 commissioner of public safety, commissioner of  
34 insurance, executive director of the Iowa finance  
35 authority, director of the department of natural  
36 resources, director of the department of corrections,  
37 and chairperson of the utilities board. The other  
38 members of the utilities board shall receive an annual  
39 salary within a range of not less than 90 percent but  
40 not more than 95 percent of the annual salary of the  
41 chairperson of the utilities board.

42 11. The following are range 9 positions: director  
43 of the department of education, director of human  
44 services, director of the department of economic  
45 development, director of the information technology

46 department, executive director of the Iowa  
 47 communications and technology commission, executive  
 48 director of the state board of regents, director of  
 49 the state department of transportation, director of  
 50 the department of workforce development, director of

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1 revenue and finance, lottery commissioner, director of  
 2 public health, the state court administrator,  
 3 secretary of the state fair board, and the director of  
 4 the department of management.

5 Sec. \_\_\_\_ PUBLIC EMPLOYMENT RELATIONS BOARD.

6 1. The salary rates specified in this section are  
 7 effective for the fiscal year beginning July 1, 2001,  
 8 with the pay period beginning June 22, 2001, and for  
 9 subsequent fiscal years until otherwise provided by  
 10 the general assembly. The salaries provided for in  
 11 this section shall be paid from funds appropriated to  
 12 the public employment relations board from the salary  
 13 adjustment fund, or if the appropriation is not  
 14 sufficient from funds appropriated to the public  
 15 employment relations board pursuant to any other Act  
 16 of the general assembly.

17 2. The following annual salary rates shall be paid  
 18 to the persons holding the positions indicated:

- 19 a. Chairperson of the public employment relations  
 20 board:  
 21 .....\$ 70,761
- 22 b. Two members of the public employment relations  
 23 board:  
 24 .....\$ 65,920"

25 2. By striking page 12, line 30, through page 13,  
 26 line 3, and inserting the following:  
 27 "NEW SUBSECTION. 6. There is appropriated from  
 28 the unassigned revenue fund administered by the Iowa  
 29 comprehensive underground storage tank fund board to  
 30 the following funds for the fiscal year beginning July  
 31 1, 2001, and ending June 30, 2002, the following  
 32 amounts as specified:

- 33 a. To the terminal liability health insurance fund  
 34 created in section 421.46:  
 35 .....\$ 9,000,000
- 36 b. To the salary adjustment fund provided for in  
 37 section 5 of this Act:  
 38 .....\$ 9,000,000"

39 3. By renumbering as necessary.

**S-3636**

1 Amend House File 740 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 6, line 20, by inserting after the word  
4 "costs." the following: "The department of human  
5 services shall implement a new monitoring and  
6 reporting system to assess compliance with the  
7 provisions of this paragraph."

8 2. Page 6, line 31, by inserting after the word  
9 "costs." the following: "The department of human  
10 services shall implement a new monitoring and  
11 reporting system to assess compliance with the  
12 provisions of this paragraph."

JACK HOLVECK

**S-3637**

1 Amend the amendment, S-3613, to House File 742, as  
2 amended, passed, and reprinted by the house, as  
3 follows:

4 1. Page 3, by striking lines 14 through 17 and  
5 inserting the following:

6 "(1) Of the amount appropriated in this paragraph  
7 "a", up to \$300,000 may be used for costs associated  
8 with project management services in the division of  
9 design and construction of the department,  
10 notwithstanding section 8.57, subsection 5, paragraph  
11 "c"."

JOHN W. JENSEN

**S-3638**

1 Amend House File 746, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 12, line 8, through page 12,  
4 line 21, and inserting the following:

5 "Sec. \_\_\_\_ . STATE EMPLOYEE BENEFIT PROGRAMS --  
6 ADMINISTRATIVE COSTS.

7 1. For the fiscal year beginning July 1, 2001, and  
8 ending June 30, 2002, the department of personnel  
9 shall include a monthly administration charge of \$2.00  
10 per contract on all health insurance plans  
11 administered by the department. This is an  
12 administration fee attributable only to the employer  
13 share for those employees who are eligible for the  
14 state share of insurance. If the contract holder is  
15 without a state employer to pay the fee, the contract  
16 holder shall not be assessed the fee of \$2.00 per

17 month.

18 2. For the fiscal year beginning July 1, 2001, and  
 19 ending June 30, 2002, the state board of regents, all  
 20 regional libraries, the state fair board, the  
 21 department of transportation, and the eight judicial  
 22 district departments of correctional services shall  
 23 report and remit the administration charge on a  
 24 monthly basis to the department of revenue and  
 25 finance. The report shall contain the number and type  
 26 of health insurance contracts held by each of its  
 27 employees whose health insurance is administered by  
 28 the department of personnel.

29 3. A health insurance administration fund is  
 30 created in the state treasury. The proceeds of the  
 31 monthly administration charge shall be remitted to the  
 32 health insurance administration fund. The department  
 33 of revenue and finance shall collect from each  
 34 department on centralized payroll the administration  
 35 charge each month and shall remit the amount to the  
 36 health insurance administration fund. The department  
 37 of personnel may expend no more than \$600,000 from the  
 38 health insurance administration fund for the fiscal  
 39 year beginning July 1, 2001, and ending June 30, 2002.  
 40 Any unencumbered or unobligated balance in the health  
 41 insurance administration fund at the end of the fiscal  
 42 year shall be transferred to the health insurance  
 43 surplus fund."

44 2. By renumbering as necessary.

TOM FLYNN  
 JEFF LAMBERTI

### S-3639

1 Amend Senate File 542 as follows:  
 2 1. Page 9, by inserting after line 1, the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 135.24, subsection 2, paragraph  
 5 c, Code 2001, is amended to read as follows:  
 6 c. Identification of the medical services to be  
 7 provided under the program. The medical services  
 8 provided ~~shall may include, but shall not be limited~~  
 9 to, obstetrical and gynecological medical services,  
 10 and psychiatric services provided by a physician  
 11 licensed under chapter 148, 150, or 150A".

JOHN REDWINE

**S-3640**

HOUSE AMENDMENT TO  
SENATE FILE 480

1 Amend Senate File 480, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting after line 30 the  
 4 following:  
 5 "\_\_\_\_. One member who shall be employed by a  
 6 community college as an instructor in vocational  
 7 education and who shall be appointed by the director  
 8 of the department of education; and one member who  
 9 shall be employed by a community college as an  
 10 instructor in arts and science courses who shall be  
 11 appointed by the director of the department of  
 12 education. In making these appointments, the director  
 13 shall give consideration to enrollment, subject area,  
 14 and representation of different geographic regions."  
 15 2. By renumbering as necessary.

**S-3641**

1 Amend House File 746, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 11, by inserting after line 26 the  
 4 following:  
 5 "Sec. \_\_\_\_ . COMMUNITY COLLEGE EMPLOYEES. There is  
 6 appropriated from the general fund of the state to the  
 7 department of education for the fiscal year beginning  
 8 July 1, 2001, and ending June 30, 2002, the following  
 9 amount, or so much thereof as is necessary, to be used  
 10 for the purpose designated:  
 11 To provide salary increases to community college  
 12 employees:  
 13 .....\$ 1,178,136  
 14 Funds appropriated in this section shall be  
 15 distributed to community colleges by the department of  
 16 education based upon each community college's  
 17 proportional share of the total actual salary  
 18 expenditures for the fiscal year beginning July 1,  
 19 2001."

WALLY E. HORN  
 JOHN P. KIBBIE  
 JACK HOLVECK

**S-3642**

1 Amend House File 745, as amended, passed, and  
 2 reprinted by the House, as follows:

- 3 1. Page 2, by inserting after line 9, the  
4 following:  
5 "\_\_\_ Notwithstanding chapter 167, if an animal is  
6 determined to be infected according to procedures  
7 required by the department, the animal shall be  
8 immediately destroyed and the animal's carcass  
9 disposed of as required by the department to prevent  
10 the transmission of the disease, but in no case more  
11 than twenty-four hours following the determination."  
12 2. By renumbering as necessary.

MIKE SEXTON

**S-3643**

- 1 Amend House File 745, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 28, by inserting after the word  
4 "section." the following: "However, the owner may  
5 elect to be compensated by the executive council for  
6 an amount determined by the executive council, which  
7 may be in the form of a reimbursement or loan payment,  
8 according to procedures required by the executive  
9 council. If the destroyed animal is determined not to  
10 be infected, the owner who makes the election shall be  
11 reimbursed for one hundred percent of the loss after  
12 deducting all other compensatory payments owing to or  
13 received by the owner."

MIKE SEXTON

**S-3644**

- 1 Amend the House amendment, S-3632, to Senate File  
2 535, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. By striking page 1, line 30, through page 2,  
5 line 2.  
6 2. By renumbering as necessary.

PATRICIA HARPER  
ROBERT E. DVORSKY  
DONALD B. REDFERN  
JOE BOLKCOM  
JOHNIE HAMMOND

**S-3645**HOUSE AMENDMENT TO  
SENATE FILE 537

- 1 Amend Senate File 537, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 5, by striking the figure  
4 "11,825,000" and inserting the following:  
5 "11,900,000".
- 6 2. Page 5, by striking lines 17 through 25.
- 7 3. Page 7, by striking lines 1 through 11, and  
8 inserting the following:  
9 "The moneys appropriated in this subsection shall  
10 be used along with other appropriations made to the  
11 Iowa empowerment fund and shall be distributed as  
12 provided in 2001 Iowa Acts, Senate File 535, if  
13 enacted by the Seventy-ninth General Assembly, 2001  
14 session."
- 15 4. Page 8, line 10, by striking the word  
16 "appropriated" and inserting the following:  
17 "transferred".
- 18 5. Page 8, line 13, by inserting after the word  
19 "and" the following: "appropriated or transferred".
- 20 6. By renumbering, relettering, or redesignating  
21 and correcting internal references as necessary.

**S-3646**

- 1 Amend House File 745, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 1, line 20, by inserting after the word  
4 "areas." the following: "Notwithstanding chapter 167,  
5 if an animal is determined to be or suspected of being  
6 infected or exposed, the animal shall be immediately  
7 destroyed and the animal's carcass disposed of by the  
8 department to prevent the transmission of the disease,  
9 but in no case more than twenty-four hours following  
10 the time that the animal is first determined to be or  
11 suspected of being infected or exposed."
- 12 2. By renumbering as necessary.

MIKE SEXTON

**S-3647**

- 1 Amend Senate Resolution 50 as follows:
- 2 1. By striking page 1, line 5 through page 2,  
3 line 12 and inserting the following:  
4 "WHEREAS, the legislative service bureau upheld  
5 admirably the spirit and integrity of Iowa's

6 nonpartisan, nonpolitical process for redistricting;  
7 and  
8 WHEREAS, the first plan presented by the  
9 legislative service bureau to the legislature  
10 maximized the compactness of Congressional and  
11 legislative districts, maintained the boundaries of  
12 counties and cities at unprecedented levels, and  
13 maintained extremely low population deviations; and  
14 WHEREAS, the first plan presented to the  
15 legislature met and exceeded every requirement for  
16 redistricting presented in the Iowa Code and in  
17 existing case law; and  
18 WHEREAS, the first plan presented established  
19 districts that would have created competitive  
20 elections and fostered greater public debate on key  
21 issues that are of great concern to Iowans, including  
22 the education of our children, ensuring quality health  
23 care for our families, bringing quality jobs for our  
24 workers, and improving Iowans quality of life; NOW  
25 THEREFORE,  
26 BE IT RESOLVED BY THE SENATE, That the Senate  
27 extends its congratulations to the legislative service  
28 bureau for drafting in an appropriate and nonpartisan  
29 manner a first redistricting plan which meets and  
30 exceeds all legal requirements, which maintains the  
31 tradition of compact districts and the concept of "one  
32 person, one vote", and which could allow for an  
33 improved, fair political dialogue in Iowa."

MICHAEL E. GRONSTAL  
ROBERT E. DVORSKY  
BILL FINK  
PATRICIA HARPER  
PATRICK J. DELUHERY  
TOM FLYNN  
MIKE CONNOLLY  
JACK HOLVECK  
DICK L. DEARDEN  
THOMAS FIEGEN  
JOHNIE HAMMOND  
JOHN P. KIBBIE  
EUGENE S. FRAISE  
STEVEN D. HANSEN  
MARK SHEARER  
DENNIS H. BLACK  
JOE BOLKCOM  
WALLY E. HORN  
BETTY A. SOUKUP

**S-3648**

1 Amend Senate Resolution 50 as follows:  
 2 1. Page 2, by inserting after line 12 the  
 3 following:  
 4 "BE IT FURTHER RESOLVED, That the Senate requests  
 5 the Temporary Redistricting Advisory Commission to  
 6 schedule and conduct at least three public hearings,  
 7 in different geographic regions of the state, on a  
 8 second plan of legislative and Congressional  
 9 redistricting submitted by the legislative service  
 10 bureau to the general assembly pursuant to Iowa Code  
 11 section 42.3, subsection 2, and following the hearings  
 12 and prior to consideration of the second plan by the  
 13 general assembly, to prepare and submit to the  
 14 secretary of the senate and the chief clerk of the  
 15 house a report summarizing information and testimony  
 16 received in the course of the hearings."

ROBERT E. DVORSKY  
 JOE BOLKCOM  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 JOHNIE HAMMOND  
 TOM FLYNN  
 BETTY A. SOUKUP

**S-3649**

1 Amend House File 745, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting before line 1, the  
 4 following:  
 5 "Section 1. Section 163.2, Code 2001, is amended  
 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. As used in this chapter,  
 8 "foot and mouth disease" means a virus of the family  
 9 picornaviridae, genus aphthovirus, including any  
 10 immunologically distinct serotypes."  
 11 2. Page 1, line 20, by inserting after the word  
 12 "areas." the following: "This section does not  
 13 authorize the department to provide for the  
 14 destruction of personal property other than an  
 15 animal."  
 16 3. Page 2, line 10, by inserting after the figure  
 17 "2." the following: "a."  
 18 4. Page 2, line 13, by striking the letter "a."  
 19 and inserting the following: "(1)".  
 20 5. Page 2, line 18, by striking the letter "b."  
 21 and inserting the following: "(2)".  
 22 6. Page 2, by inserting after line 20, the

23 following:

24 "b. If the department confirms an outbreak of foot  
25 and mouth disease in this state, the department shall  
26 cooperate with the governor; federal agencies,  
27 including the United States department of agriculture;  
28 and state agencies, including the emergency management  
29 division of the department of public defense, in order  
30 to provide the public with timely and accurate  
31 information regarding the outbreak. The department  
32 shall cooperate with organizations representing  
33 agricultural producers in order to provide all  
34 necessary information to agricultural producers  
35 required to control the outbreak."

36 7. Page 2, line 26, by inserting after the figure  
37 "4." the following: "a."

38 8. Page 2, by inserting after line 28, the  
39 following:

40 "b. Upon the request of the executive council, the  
41 department shall develop and submit a plan to the  
42 executive council that compensates an owner of  
43 property, other than an animal, that is inadvertently  
44 destroyed by the department as a result of the  
45 department's regulation of activities in a quarantined  
46 area. The plan shall not be implemented without the  
47 approval of at least three members of the executive  
48 council. The payment of the compensation under the  
49 plan shall be made in the same manner as provided in  
50 section 163.15. The owner may submit a claim for

Page 2

1 compensation prior to the plan's implementation. The  
2 executive council may apply the plan retroactively,  
3 but not earlier than the effective date of this Act."

MERLIN E. BARTZ  
THOMAS FIEGEN  
KEN VEENSTRA  
SANDRA GREINER

### S-3650

1 Amend the amendment, S-3632, to Senate File 535, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 33 through 36, and  
5 inserting the following: "shall not be used for  
6 actual payment for any drugs administered for the  
7 purpose of medically inducing a termination of  
8 pregnancy, including but not limited to mifepristone  
9 or RU-486, by the student health center."  
10 2. Page 1, by striking lines 40 through 43, and

11 inserting the following: "shall not be used for  
12 actual payment for any drugs administered for the  
13 purpose of medically inducing a termination of  
14 pregnancy, including but not limited to mifepristone  
15 or RU-486, by the student health center."  
16 3. Page 1, by striking lines 47 through 50, and  
17 inserting the following: "shall not be used for  
18 actual payment for any drugs administered for the  
19 purpose of medically inducing a termination of  
20 pregnancy, including but not limited to mifepristone  
21 or RU-486, by the student health center."

JACK HOLVECK

**S-3651**

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 732

1 Amend the Senate amendment, H-1855, to House File  
2 732, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 2, by inserting after line 10, the  
5 following:

6 "\_\_\_ Page 50, by striking lines 31 through 35,  
7 and inserting the following: "assistance for state  
8 child protection staff and for services and activities  
9 currently funded with juvenile court services, county,  
10 or community moneys and state moneys used in  
11 combination with such moneys."

12 "\_\_\_ Page 51, lines 9 and 10, by striking the  
13 words "child protection".

14 2. Page 2, by inserting after line 22, the  
15 following:

16 "\_\_\_ Page 58, line 33, by inserting after the  
17 word "funding" the following: "or to implement, in  
18 accordance with this Act, targeted case management for  
19 child protection and for activities currently funded  
20 with juvenile court services, county, or community  
21 moneys and state moneys used in combination with such  
22 moneys".

23 3. Page 4, by striking lines 46 and 47, and  
24 inserting the following: "this Act, shall be reduced  
25 by the amounts necessary to attain the withholding  
26 target amount. If the department of human".

27 4. Page 5, by striking lines 1 through 3, and  
28 inserting the following: "the withholding factors  
29 listed in subsection 2 as necessary to achieve the  
30 withholding target amount. However, in making such  
31 adjustments to the withholding factors the department  
32 shall strive to minimize changes to the withholding

33 factors for those ending balance percentage ranges  
 34 that are lower than others and shall not adjust the  
 35 zero withholding factor specified in subsection 2,  
 36 paragraph "a".  
 37 5. By renumbering, relettering, or redesignating  
 38 and correcting internal references as necessary.

### S-3652

- 1 Amend Senate File 542 as follows:  
 2 1. Page 9, by striking lines 2 through 13.

JOHNIE HAMMOND

### S-3653

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 670

1 Amend the Senate amendment, H-1937, to House File  
 2 670, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. By striking page 1, line 5 through page 5,  
 5 line 8, and inserting the following:  
 6 "Sec. \_\_\_\_ Section 256.7, Code 2001, is amended by  
 7 adding the following new subsection:  
 8 NEW SUBSECTION. 25. Prescribe standards and  
 9 procedures for the approval by the state board of  
 10 nontraditional practitioner and administrator  
 11 preparation internship programs to be offered by  
 12 practitioner preparation institutions.  
 13 Sec. \_\_\_\_ Section 256.16, Code 2001, is amended by  
 14 adding the following new subsections:  
 15 NEW SUBSECTION. 3. a. The state board shall  
 16 adopt rules requiring that practitioner preparation  
 17 institutions, which provide a nontraditional  
 18 practitioner preparation internship program, at a  
 19 minimum, meet the standards and comply with the  
 20 standards established pursuant to section 256.7,  
 21 subsection 25. A nontraditional practitioner  
 22 preparation internship program is exempt from the  
 23 student teaching or field experience requirements of  
 24 section 272.25. A nontraditional practitioner  
 25 preparation internship program shall include  
 26 coursework in education theory, instructional methods,  
 27 and classroom management. The program shall consist  
 28 of two twelve-semester-hour, or the trimester or  
 29 quarter equivalent, courses of study.  
 30 b. The institution providing the nontraditional  
 31 practitioner preparation internship program shall

32 enter into a written agreement with a school district,  
33 under terms and conditions as agreed upon by the  
34 contracting parties, providing that the school  
35 district will provide interns seeking a nontraditional  
36 conditional teaching license with a one-year classroom  
37 teaching experience. The intern must successfully  
38 complete the first twelve-semester-hour, or the  
39 trimester or quarter equivalent, course of study prior  
40 to beginning the one-year classroom teaching  
41 experience. Interns teaching in a school district  
42 under the terms of such a contract are entitled to the  
43 same protection under section 670.8, as is afforded by  
44 that section to officers and other employees of the  
45 school district, during the time they are so assigned.  
46 c. Upon completion of the first twelve-semester-  
47 hour, or the trimester or quarter equivalent, course  
48 of study, the institution providing the approved  
49 nontraditional practitioner preparation internship  
50 program shall submit to the board of educational

Page 2

1 examiners a recommendation for licensure of the intern  
2 pursuant to section 272.2, subsection 13, paragraph  
3 "b". If the institution recommends licensure, the  
4 intern shall be issued a nontraditional conditional  
5 teaching license by the board of educational  
6 examiners. However, the provisions of section 272.6  
7 shall apply.  
8 d. Prior to licensure as a provisional teacher,  
9 unless the requirement is waived in accordance with  
10 this subsection for interns seeking licensure under  
11 section 272.2, subsection 13, paragraph "b", an  
12 individual shall successfully complete the second  
13 twelve-semester-hour, or the trimester or quarter  
14 equivalent, course of study. The institution  
15 providing the approved nontraditional practitioner  
16 preparation internship program may waive all or part  
17 of the second course of an intern's study based upon  
18 the institution's comprehensive evaluation of the  
19 intern.  
20 f. During the first nine weeks of employment, the  
21 practitioner preparation institution shall monitor the  
22 performance of the intern. The institution that  
23 delivers the coursework to a practitioner pursuant to  
24 this subsection shall, along with the school district  
25 that employs the conditional practitioner, supervise  
26 the conditional practitioner during the practitioner's  
27 year of employment under a nontraditional conditional  
28 license, and shall, in consultation with the  
29 practitioner's evaluator at the school district of  
30 employment, submit to the board of educational

31 examiners a comprehensive evaluation of the  
32 practitioner's performance sixty days prior to the  
33 expiration of the nontraditional conditional license.  
34 If the comprehensive evaluation establishes that the  
35 conditional practitioner's performance fails to meet  
36 the standards of the approved nontraditional  
37 practitioner preparation internship program, the  
38 individual shall not be admitted to a second course of  
39 study offered by an approved nontraditional  
40 practitioner preparation internship program.  
41 NEW SUBSECTION. 4. a. The state board shall  
42 adopt rules requiring that practitioner preparation  
43 institutions which provide a nontraditional  
44 administrator preparation internship program, at a  
45 minimum, meet the standards and comply with the  
46 standards established pursuant to section 256.7,  
47 subsection 25. A nontraditional administrator  
48 preparation internship program shall include  
49 coursework in education management, governance  
50 organization, and planning. The program shall consist

Page 3

1 of two twelve-semester-hour, or the trimester or  
2 quarter equivalent, courses of study.  
3 b. The institution providing the nontraditional  
4 administrator preparation internship program shall  
5 enter into a written agreement with the board of  
6 directors of a school district, under terms and  
7 conditions as agreed upon by the contracting parties,  
8 providing that the school district will provide  
9 interns seeking a nontraditional conditional  
10 administrator license with one year of administrative  
11 experience. Interns employed under the written  
12 agreement are entitled to the same protection under  
13 section 670.8, as is afforded by that section to  
14 officers and other employees of the school district,  
15 during the time they are so assigned.  
16 c. Upon completion of the first twelve-semester-  
17 hour, or the trimester or quarter equivalent, course  
18 of study, the institution providing the approved  
19 nontraditional administrator preparation internship  
20 program shall submit to the board of educational  
21 examiners a recommendation for licensure of the intern  
22 pursuant to section 272.2, subsection 13, paragraph  
23 "a". If the institution recommends licensure, the  
24 intern shall be issued a nontraditional conditional  
25 license by the board of educational examiners.  
26 However, section 272.6 shall apply.  
27 d. Prior to licensure as an administrator, unless  
28 the requirement is waived in accordance with this  
29 subsection for interns seeking licensure under section

30 272.2, subsection 13, paragraph "a", an individual  
 31 shall successfully complete the second twelve-  
 32 semester-hour, or the trimester or quarter equivalent,  
 33 course of study. The institution providing the  
 34 approved nontraditional administrator preparation  
 35 internship program may waive all or part of the second  
 36 course of an intern's study based upon the  
 37 institution's comprehensive evaluation of the intern.  
 38 f. The institution that delivers the coursework to  
 39 an intern pursuant to this subsection shall supervise  
 40 the conditional administrator during the intern's year  
 41 of employment under a nontraditional conditional  
 42 license, and shall, in consultation with the board of  
 43 directors of the school district of employment, submit  
 44 to the board of educational examiners a comprehensive  
 45 evaluation of the intern's performance sixty days  
 46 prior to the expiration of the nontraditional  
 47 conditional license. If the comprehensive evaluation  
 48 establishes that the intern's performance fails to  
 49 meet the standards of the approved nontraditional  
 50 administrator preparation internship program, the

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1 individual shall not be admitted to a second course of  
 2 study offered by an approved nontraditional  
 3 administrator preparation internship program.  
 4 Sec. \_\_\_\_ Section 272.1, Code 2001, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 5A. "Nontraditional conditional  
 7 license" means the authority that is given to allow a  
 8 person to legally serve as a teacher or administrator  
 9 on a temporary basis while the person completes a  
 10 nontraditional practitioner preparation internship  
 11 program.  
 12 Sec. \_\_\_\_ Section 272.2, subsection 13, Code 2001,  
 13 is amended to read as follows:  
 14 13. Adopt rules to provide for nontraditional  
 15 preparation licensing options for licensing persons  
 16 who hold, at a minimum, a bachelor's degree from an  
 17 accredited college or university, but who do not meet  
 18 other requirements for licensure. At a minimum, the  
 19 rules shall provide for the following:  
 20 a. An individual who possesses at least a master's  
 21 degree in business administration, public  
 22 administration, or a comparable degree, or who  
 23 possesses at least a bachelor's degree from an  
 24 accredited postsecondary institution and life  
 25 experience equivalent to a master's degree in a  
 26 management field as determined by rule, and who has  
 27 been employed for at least ten of the last fifteen  
 28 years in a management position, may be issued a one-

29 year, nonrenewable, nontraditional conditional  
30 administrator's license if the individual successfully  
31 completes a nontraditional administrator preparation  
32 internship program in accordance with section 256.16,  
33 subsection 3. An individual may be issued an  
34 administrator's license if the individual successfully  
35 completes one year of employment as an administrator  
36 under a nontraditional conditional license and  
37 successfully completes the second course of study set  
38 forth in section 256.16, subsection 3. However, an  
39 individual licensed pursuant to this paragraph shall  
40 be licensed only to serve as a superintendent in a  
41 school district with an actual enrollment of five  
42 thousand five hundred or more pupils, at the time of  
43 signing the initial contract for employment as a  
44 superintendent.

45 b. An individual who possesses at least a  
46 bachelor's degree from an accredited postsecondary  
47 institution, who has been employed for at least five  
48 consecutive years in an area requiring knowledge and  
49 practical application of the individual's  
50 postsecondary academic background, who can document,

Page 5

1 to the satisfaction of the board of educational  
2 examiners, successful experience working with  
3 children, may be issued a one-year, nonrenewable  
4 nontraditional conditional license to teach students  
5 in grades nine through twelve in the area of the  
6 individual's academic background and employment  
7 experience, in the vocational education field or  
8 subject area or in a shortage area as determined by  
9 the department, if the individual meets the  
10 requirements of section 256.16, subsection 3. In  
11 addition to these requirements, an individual seeking  
12 a nontraditional conditional license to teach special  
13 education students in grades nine through twelve shall  
14 document, to the satisfaction of the board of  
15 educational examiners, five years of successful  
16 experience working with children requiring special  
17 education. An individual may be issued a provisional  
18 license to teach students in grades nine through  
19 twelve in the area of the individual's academic  
20 background and employment experience if the individual  
21 successfully completes one year of teaching under a  
22 nontraditional conditional license and successfully  
23 completes the second course of study set forth in  
24 section 256.16, subsection 3.

25 c. A person issued a provisional teaching license  
26 pursuant to paragraph "b" shall successfully complete,  
27 at a minimum, a two-year beginning teacher mentoring

28 and induction program.  
 29 d. An approved nontraditional practitioner or  
 30 administrator preparation internship program, and the  
 31 school district with which the institution  
 32 administering the program has a written agreement in  
 33 accordance with section 256.16, subsection 3, shall  
 34 provide information to the board and any documentation  
 35 regarding the intern's".

**S-3654**

1 Amend Senate File 542 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "DIVISION I

5 MH/MR/DD -- ALLOWED GROWTH

6 Section 1. COUNTY MENTAL HEALTH, MENTAL  
7 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED  
8 GROWTH FACTOR ADJUSTMENT AND ALLOCATIONS. There is

9 appropriated from the general fund of the state to the  
10 department of human services for the fiscal year  
11 beginning July 1, 2002, and ending June 30, 2003, the  
12 following amount, or so much thereof as is necessary,  
13 to be used for the purpose designated:

14 For distribution to counties of the county mental  
15 health, mental retardation, and developmental  
16 disabilities allowed growth factor adjustment, as  
17 provided in this section in lieu of the provisions of  
18 section 331.438, subsection 2, and section 331.439,  
19 subsection 3, and chapter 426B:

20 .....\$ 14,874,702

21 The funding appropriated in this section is the  
22 allowed growth factor adjustment for fiscal year 2002-  
23 2003, and is allocated for distribution as provided by  
24 law.

25 DIVISION II

26 STANDING APPROPRIATIONS -- REDUCTIONS

27 Sec. 2. GENERAL ASSEMBLY. The budgets approved  
28 pursuant to section 2.12 for the expenses of the  
29 general assembly and legislative agencies for the  
30 fiscal year beginning July 1, 2001, and ending June  
31 30, 2002, are reduced by the following amount:

32 .....\$ 1,550,324

33 Sec. 3. PERFORMANCE OF DUTY. The appropriation  
34 made from the general fund of the state in section  
35 7D.29, for the fiscal year beginning July 1, 2001, and  
36 ending June 30, 2002, for performance of duty by the  
37 executive council, is reduced by the following amount:

38 .....\$ 1,000,000

39 Sec. 4. STATE APPEAL BOARD CLAIMS.

40 Notwithstanding the standing appropriations in section  
41 25.2, subsection 3, the amount appropriated from the

42 general fund of the state under section 25.2,  
 43 subsection 3, to the state appeal board to pay claims  
 44 against the state for the fiscal year beginning July  
 45 1, 2001, and ending June 30, 2002, is reduced by the  
 46 following amount:  
 47 .....\$ 2,000,000  
 48 Sec. 5. CONSTITUTIONAL AMENDMENTS AND PUBLIC  
 49 MEASURES. Notwithstanding the standing appropriation  
 50 in section 49A.9, the amount appropriated from the

Page 2

1 general fund of the state under section 49A.9, to the  
 2 office of the secretary of state for the fiscal year  
 3 beginning July 1, 2001, and ending June 30, 2002, is  
 4 reduced by the following amount:  
 5 .....\$ 2,565  
 6 Sec. 6. AREA EDUCATION AGENCIES. Notwithstanding  
 7 the provisions of chapter 257 that determine the  
 8 funding for area education agencies, the state school  
 9 foundation aid for these agencies and the portion of  
 10 the combined district cost calculated for these  
 11 agencies for the fiscal year beginning July 1, 2001,  
 12 and ending June 30, 2002, are reduced by the  
 13 department of management by \$7,500,000. The  
 14 department shall calculate a reduction such that each  
 15 area education agency shall receive a reduction  
 16 proportionate to the amount that it would have  
 17 received under section 257.35 if the reduction imposed  
 18 pursuant to this section did not apply.  
 19 Notwithstanding the provisions of section 257.37, an  
 20 area education agency may use the funds determined to  
 21 be available under section 257.35 in a manner which it  
 22 believes is appropriate to best maintain the level of  
 23 required area education agency special education  
 24 services.  
 25 Sec. 7. EARLY INTERVENTION BLOCK GRANT.  
 26 Notwithstanding the standing appropriation in section  
 27 256D.5, subsection 1, the amount appropriated from the  
 28 general fund of the state under section 256D.5,  
 29 subsection 1, to the department of education for the  
 30 fiscal year beginning July 1, 2001, and ending June  
 31 30, 2002, is reduced by the following amount:  
 32 .....\$ 10,000,000  
 33 Sec. 8. SCHOOL IMPROVEMENT TECHNOLOGY.  
 34 Notwithstanding the standing appropriation in section  
 35 256D.5, subsection 2, the amount appropriated from the  
 36 general fund of the state under section 256D.5,  
 37 subsection 2, to the department of education for the  
 38 fiscal year beginning July 1, 2001, and ending June  
 39 30, 2002, is reduced by the following amount:  
 40 .....\$ 20,000,000

41 In implementing the reduction in this section, the  
 42 department of education shall compute under section  
 43 256D.6 the amount each school district, as defined in  
 44 section 256D.6, and area education agency would have  
 45 received but for the reduction in this section and  
 46 shall reduce by two-thirds such amount.  
 47 Sec. 9. AT-RISK CHILDREN PROGRAMS.  
 48 Notwithstanding the standing appropriation in section  
 49 279.51, subsection 1, the amount appropriated from the  
 50 general fund of the state under section 279.51,

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1 subsection 1, to the department of education for the  
 2 fiscal year beginning July 1, 2001, and ending June  
 3 30, 2002, is reduced by the following amount:  
 4 .....\$ 1,000,000  
 5 The amount of the reduction in this section shall  
 6 be prorated among the programs specified in section  
 7 279.51, subsection 1, paragraphs "a", "b", and "c".  
 8 Sec. 10. NONPUBLIC SCHOOL TRANSPORTATION.  
 9 Notwithstanding the standing appropriation in section  
 10 285.2, the amount appropriated from the general fund  
 11 of the state under section 285.2 to the department of  
 12 education for the fiscal year beginning July 1, 2001,  
 13 and ending June 30, 2002, shall be the following  
 14 amount:  
 15 .....\$ 7,645,000  
 16 If total approved claims for reimbursement for  
 17 nonpublic school pupil transportation claims exceed  
 18 the amount appropriated in this section, the  
 19 department of education shall prorate the amount of  
 20 each claim.  
 21 Sec. 11. EDUCATIONAL EXCELLENCE. Notwithstanding  
 22 section 294A.25, subsection 1, the amount appropriated  
 23 from the general fund of the state under section  
 24 294A.25, subsection 1, to the department of education  
 25 for phase III moneys for the fiscal year beginning  
 26 July 1, 2001, and ending June 30, 2002, is reduced by  
 27 the following amount:  
 28 .....\$ 2,000,000  
 29 Sec. 12. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.  
 30 Notwithstanding section 312.2, subsection 14, the  
 31 amount appropriated from the general fund of the state  
 32 under section 312.2, subsection 14, to the state  
 33 department of transportation for public transit  
 34 assistance under chapter 324A for the fiscal year  
 35 beginning July 1, 2001, and ending June 30, 2002, is  
 36 reduced by the following amount:  
 37 .....\$ 659,820  
 38 Sec. 13. INDIAN SETTLEMENT OFFICER.  
 39 Notwithstanding the standing appropriation in section

40 331.660, the amount appropriated from the general fund  
 41 of the state under section 331.660, to the county of  
 42 Tama for the fiscal year beginning July 1, 2001, and  
 43 ending June 30, 2002, is reduced by the following  
 44 amount:  
 45 .....\$ 25,000  
 46 Sec. 14. COURT COSTS FOR SPECIAL STATE CASES.  
 47 Notwithstanding the standing appropriation in section  
 48 815.1, the amount appropriated from the general fund  
 49 of the state under section 815.1, to pay special court  
 50 costs and attorney fees for the fiscal year beginning

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1 July 1, 2001, and ending June 30, 2002, is reduced by  
 2 the following amount:  
 3 .....\$ 66,370  
 4 Sec. 15. Section 196.8, subsection 2, Code 2001,  
 5 is amended to read as follows:  
 6 2. Notwithstanding subsection 1, eggs gathered for  
 7 sale at a poultry show from fowl exhibited at the  
 8 show, which show has received financial assistance  
 9 from the state in prior fiscal years, shall be exempt  
 10 from the storage temperature and consumer grade  
 11 quality requirements contained in subsection 1. ~~If~~  
 12 ~~eggs are offered for sale at such an exhibit, five~~  
 13 ~~hundred dollars is appropriated to the department to~~  
 14 ~~reimburse the sponsoring agency of the exhibit for the~~  
 15 ~~expenses associated with the exhibit.~~

DIVISION III

LAW ENFORCEMENT PHYSICAL EXAMS

18 Sec. 16. Section 400.8, subsection 1, Code 2001,  
 19 is amended to read as follows:  
 20 1. The commission, when necessary under the rules,  
 21 including minimum and maximum age limits, which shall  
 22 be prescribed and published in advance by the  
 23 commission and posted in the city hall, shall hold  
 24 examinations for the purpose of determining the  
 25 qualifications of applicants for positions under civil  
 26 service, other than promotions, which examinations  
 27 shall be practical in character and shall relate to  
 28 matters which will fairly test the mental and physical  
 29 ability of the applicant to discharge the duties of  
 30 the position to which the applicant seeks appointment.  
 31 The physical examination of applicants for appointment  
 32 to the positions of police officer, police matron, or  
 33 fire fighter shall be held in accordance with medical  
 34 protocols established by the board of trustees of the  
 35 fire and police retirement system established by  
 36 section 411.5 and shall be conducted ~~by the medical~~  
 37 ~~board as established in section 411.5 in accordance~~  
 38 with the directives of the board of trustees. The

39 board of trustees may change the medical protocols at  
 40 any time the board so determines. The physical  
 41 examination of an applicant for the position of police  
 42 officer, police matron, or fire fighter shall be  
 43 conducted after a conditional offer of employment has  
 44 been made to the applicant. An applicant shall not be  
 45 discriminated against on the basis of height, weight,  
 46 sex, or race in determining physical or mental ability  
 47 of the applicant. Reasonable rules relating to  
 48 strength, agility, and general health of applicants  
 49 shall be prescribed. The costs of the physical  
 50 examination required under this subsection shall be

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1 paid from the trust and agency fund of the city.  
 2 Sec. 17. 2000 Iowa Acts, chapter 1077, section  
 3 111, is amended to read as follows:  
 4 SEC. 111. EFFECTIVE DATE. Section 87 of this Act  
 5 amending section 411.1, subsection 10, and section 94  
 6 of this Act, amendment section 411.5, subsection 8,  
 7 take effect July 1, ~~2001~~ 2002.  
 8 Sec. 18. EFFECTIVE DATE. Section 17 of this  
 9 division of this Act, being deemed of immediate  
 10 importance, takes effect upon enactment.

DIVISION IV

12 DEBT SERVICE AND TOBACCO FUND APPROPRIATIONS  
 13 TUITION REPLACEMENT

14 Sec. 19. TUITION REPLACEMENT -- GENERAL FUND. In  
 15 lieu of the appropriation made to the state board of  
 16 regents for tuition replacement in 2001 Iowa Acts,  
 17 Senate File 535, section 8, subsection 1, paragraph  
 18 "b", if enacted, there is appropriated from the  
 19 general fund of the state to the state board of  
 20 regents for the fiscal year beginning July 1, 2001,  
 21 and ending June 30, 2002, the following amount, or so  
 22 much thereof as is necessary, to be used for the  
 23 purpose designated:

24 For allocation by the state board of regents to the  
 25 state university of Iowa, the Iowa state university of  
 26 science and technology, and the university of northern  
 27 Iowa to reimburse the institutions for deficiencies in  
 28 their operating funds resulting from the pledging of  
 29 tuitions, student fees and charges, and institutional  
 30 income to finance the cost of providing academic and  
 31 administrative buildings and facilities and utility  
 32 services at the institutions:

33 .....\$ 26,081,384

34 Sec. 20. TUITION REPLACEMENT -- TOBACCO SETTLEMENT  
 35 FUND. In addition to the appropriation made in this  
 36 division of this Act from the general fund of the  
 37 state to the state board of regents for purposes of

38 tuition replacement, there is appropriated from the  
 39 tax-exempt bond proceeds restricted capital funds  
 40 account of the tobacco settlement trust fund created  
 41 in section 12E.12, pursuant to 2001 Iowa Acts, Senate  
 42 File 532, if enacted, to the state board of regents  
 43 for the fiscal year beginning July 1, 2001, and ending  
 44 June 30, 2002, the following amount, or so much  
 45 thereof as is necessary, to be used for the purpose  
 46 designated:

47 For allocation by the state board of regents to the  
 48 state university of Iowa, the Iowa state university of  
 49 science and technology, and the university of northern  
 50 Iowa to reimburse the institutions for deficiencies in

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1 their operating funds resulting from the pledging of  
 2 tuitions, student fees and charges, and institutional  
 3 income to finance the cost of providing academic and  
 4 administrative buildings and facilities and utility  
 5 services at the institutions:  
 6 .....\$ 600,330

7 IOWA COMMUNICATIONS NETWORK

8 Sec. 21. IOWA COMMUNICATIONS NETWORK DEBT SERVICE  
 9 -- GENERAL FUND. In lieu of the appropriation made to  
 10 the treasurer of state for Iowa communications network  
 11 debt service in 2001 Iowa Acts, House File 719,  
 12 section 1, if enacted, there is appropriated from the  
 13 general fund of the state to the treasurer of state  
 14 for the fiscal year beginning July 1, 2001, and ending  
 15 June 30, 2002, the following amount, or so much  
 16 thereof as is necessary, to be used for the purpose  
 17 designated:

18 For debt service for the Iowa communications  
 19 network:  
 20 .....\$ 9,939,165

21 Sec. 22. IOWA COMMUNICATIONS NETWORK DEBT SERVICE

22 -- TOBACCO SETTLEMENT FUND. In addition to the  
 23 appropriation made in this division of this Act from  
 24 the general fund of the state to the treasurer of  
 25 state for purposes of Iowa communications network debt  
 26 service, there is appropriated from the tax-exempt  
 27 bond proceeds restricted capital funds account of the  
 28 tobacco settlement trust fund created in section  
 29 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,  
 30 if enacted, to the treasurer of state for the fiscal  
 31 year beginning July 1, 2001, and ending June 30, 2002,  
 32 the following amount, or so much thereof as is  
 33 necessary, to be used for the purpose designated:

34 For debt service for the Iowa communications  
 35 network:  
 36 .....\$ 1,465,835

37 Sec. 23. DEBT SERVICE FUND. Funds appropriated in  
 38 this division of this Act for Iowa communications  
 39 network debt service shall be deposited in a separate  
 40 fund established in the office of the treasurer of  
 41 state to be used solely for debt service for the Iowa  
 42 communications network. The Iowa telecommunications  
 43 and technology commission shall certify to the  
 44 treasurer of state when a debt service payment is due,  
 45 and upon receipt of the certification, the treasurer  
 46 shall make the payment. The commission shall pay any  
 47 additional amount due from funds deposited in the Iowa  
 48 communications network fund.

49 PRISON DEBT SERVICE

50 Sec. 24. There is appropriated from the tax-exempt

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1 bond proceeds restricted capital funds account of the  
 2 tobacco settlement trust fund created in section  
 3 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,  
 4 if enacted, to the treasurer of state for the fiscal  
 5 year beginning July 1, 2001, and ending June 30, 2002,  
 6 the following amount, or so much thereof as is  
 7 necessary, to be used for the purpose designated:  
 8 For repayment of prison infrastructure bonds under  
 9 section 16.177:

10 .....\$ 5,182,272

11 TOBACCO MASTER SETTLEMENT AGREEMENT LITIGATION

12 Sec. 25. There is appropriated from the tax-exempt  
 13 bond proceeds restricted capital funds account of the  
 14 tobacco settlement trust fund created in section  
 15 12E.12, pursuant to 2001 Iowa Acts, Senate File 532,  
 16 if enacted, to the treasurer of state for the fiscal  
 17 year beginning July 1, 2001, and ending June 30, 2002,  
 18 the following amount, or so much thereof as is  
 19 necessary, to be used for the purpose designated:  
 20 For payment of litigation fees incurred pursuant to  
 21 the tobacco master settlement agreement:

22 .....\$ 10,617,000

23 Sec. 26. CONTINGENT EFFECTIVE DATE. This division

24 of this Act shall take effect only if 2001 Iowa Acts,  
 25 Senate File 532 is enacted and only if the tobacco  
 26 settlement authority established in chapter 12E  
 27 securitizes tobacco master settlement agreement  
 28 payments sold to the authority pursuant to 2001 Iowa  
 29 Acts, Senate File 532. If the contingencies of this  
 30 section are met, the effective date of this division  
 31 of this Act shall be the effective date of the receipt  
 32 of the bond proceeds by the tobacco settlement  
 33 authority and the deposit of the proceeds of the tax-  
 34 exempt bonds and the taxable bonds in the respective  
 35 accounts of the tobacco settlement trust fund pursuant

36 to chapter 12E, and specifically pursuant to section  
37 12E.9.

38 DIVISION V  
39 MISCELLANEOUS

40 Sec. 27. Notwithstanding section 8.55, subsection  
41 4, and section 8.56, subsection 1, for the fiscal year  
42 beginning July 1, 2001, and ending June 30, 2002, the  
43 interest and earnings on moneys deposited in the Iowa  
44 economic emergency fund and the cash reserve fund  
45 shall be credited to the general fund of the state.

46 Sec. 28. Notwithstanding any contrary provision in  
47 section 455E.11, subsection 1, Code 2001, any  
48 unencumbered or unobligated balance in the groundwater  
49 protection fund and in any of the accounts within the  
50 groundwater protection fund on June 30, 2001, shall be

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1 transferred to the general fund of the state.

2 Sec. 29. Section 257.6, subsection 3, unnumbered  
3 paragraph 1, as amended by 2001 Iowa Acts, House File  
4 643, section 6, if enacted, is amended to read as  
5 follows:

6 A school district shall determine its additional  
7 enrollment because of special education, as defined in  
8 this section, ~~on~~ by November 1 of each year and shall  
9 certify its additional enrollment because of special  
10 education to the department of education by November  
11 15 of each year, and the department shall promptly  
12 forward the information to the department of  
13 management.

14 Sec. 30. Section 257.6, subsection 5, unnumbered  
15 paragraph 1, as amended by 2001 Iowa Acts, House File  
16 643, section 7, if enacted, is amended to read as  
17 follows:

18 Weighted enrollment is the budget enrollment plus  
19 the district's additional enrollment because of  
20 special education calculated ~~on~~ by November 1 of the  
21 base year plus additional pupils added due to the  
22 application of the supplementary weighting.

23 Sec. 31. MENTAL ILLNESS SPECIAL SERVICES. For the  
24 fiscal year beginning July 1, 2001, and ending June  
25 30, 2002, it is the intent of the general assembly  
26 that the Iowa finance authority shall provide \$121,220  
27 from funding available to the authority to be used for  
28 mental illness special services.

29 1. The Iowa finance authority shall use the  
30 funding to continue the financing for existing  
31 community-based facilities and the financing for the  
32 development of affordable community-based housing  
33 facilities as funded pursuant to 2000 Iowa Acts,  
34 chapter 1228, section 22. The department of human

35 services shall assure that clients are referred to the  
36 housing as it is developed.

37 2. The purpose of the financing is to provide  
38 funds for construction and start-up costs to develop  
39 community living arrangements to provide for persons  
40 with mental illness who are homeless. These funds may  
41 be used to match federal Stewart B. McKinney Homeless  
42 Assistance Act grant funds.

43 Sec. 32. Section 260G.4B, subsection 1, Code 2001,  
44 is amended to read as follows:

45 1. The total amount of program job credits from  
46 all employers which shall be allocated for all  
47 accelerated career education programs in the state in  
48 any one fiscal year shall not exceed the sum of three  
49 million dollars in the fiscal year beginning July 1,  
50 2000, ~~six~~ three million dollars in the fiscal year

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1 beginning July 1, 2001, and six million dollars in the  
2 fiscal year beginning July 1, 2002, and every fiscal  
3 year thereafter. Any increase in program job credits  
4 above the six-million-dollar limitation per fiscal  
5 year shall be developed, based on recommendations in a  
6 study which shall be conducted by the department of  
7 economic development of the needs and performance of  
8 approved programs in the fiscal years beginning July  
9 1, 2000, and July 1, 2001. The study's findings and  
10 recommendations shall be submitted to the general  
11 assembly by the department by December 31, 2002. The  
12 study shall include but not be limited to an  
13 examination of the quality of the programs, the number  
14 of program participant placements, the wages and  
15 benefits in program jobs, the level of employer  
16 contributions, the size of participating employers,  
17 and employer locations. A community college shall  
18 file a copy of each agreement with the department of  
19 economic development. The department shall maintain  
20 an annual record of the proposed program job credits  
21 under each agreement for each fiscal year. Upon  
22 receiving a copy of an agreement, the department shall  
23 allocate any available amount of program job credits  
24 to the community college according to the agreement  
25 sufficient for the fiscal year and for the term of the  
26 agreement. When the total available program job  
27 credits are allocated for a fiscal year, the  
28 department shall notify all community colleges that  
29 the maximum amount has been allocated and that further  
30 program job credits will not be available for the  
31 remainder of the fiscal year. Once program job  
32 credits have been allocated to a community college,  
33 the full allocation shall be received by the community

34 college throughout the fiscal year and for the term of  
 35 the agreement even if the statewide program job credit  
 36 maximum amount is subsequently allocated and used.  
 37 Sec. 33. Section 273.22, subsection 5, as amended  
 38 by 2001 Iowa Acts, House File 674, section 4, if  
 39 enacted, is amended to read as follows:  
 40 5. The board of directors of a school district  
 41 that is contiguous to a newly reorganized area  
 42 education agency may petition the board of directors  
 43 of ~~a contiguous~~ their current area education agency  
 44 and the newly reorganized area education agency to  
 45 join ~~that the newly reorganized~~ area education agency.  
 46 ~~If the contiguous both~~ area education agency board  
 47 ~~approves~~ boards approve the petition, the  
 48 reorganization shall take effect on July 1 of the  
 49 school year following approval of the petition by the  
 50 state board. A school district may appeal to the

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1 state board the decision of an area education agency  
 2 board to deny the school district's petition.  
 3 Sec. 34. Section 273.22, as amended by 2001 Iowa  
 4 Acts, House File 674, section 4, if enacted, is  
 5 amended by adding the following new subsection:  
 6 NEW SUBSECTION. 6. The board of directors of a  
 7 school district that is within a newly reorganized  
 8 area education agency and whose school district was  
 9 contiguous to another area education agency prior to  
 10 the reorganization, may petition the board of  
 11 directors of the newly reorganized area education  
 12 agency and the contiguous area education agency to  
 13 join that area education agency. If both area  
 14 education agency boards approve the petition, the  
 15 reorganization shall take effect on July 1 of the  
 16 school year following approval of the petition by the  
 17 state board. A school district may appeal to the  
 18 state board the decision of an area education agency  
 19 board to deny the school district's petition.  
 20 Sec. 35. Section 299.8, as amended by 2001 Iowa  
 21 Acts, House File 643, section 16, if enacted, is  
 22 amended to read as follows:  
 23 299A.8 DUAL ENROLLMENT.  
 24 If a parent, guardian, or legal custodian of a  
 25 child who is receiving competent private instruction  
 26 under this chapter or a child over compulsory age who  
 27 is receiving private instruction submits a request,  
 28 the child shall also be registered in a public school  
 29 for dual enrollment purposes. If the child is  
 30 enrolled in a public school district for dual  
 31 enrollment purposes, the child shall be permitted to  
 32 participate in any academic activities in the district

33 and shall also be permitted to participate on the same  
 34 basis as public school children in any extracurricular  
 35 activities available to children in the child's grade  
 36 or group, and the parent, guardian, or legal custodian  
 37 shall not be required to pay the costs of any annual  
 38 evaluation under this chapter. If the child is  
 39 enrolled for dual enrollment purposes, the child shall  
 40 be included in the public school's basic enrollment  
 41 under section 257.6. A pupil who is participating  
 42 only in extracurricular activities shall be counted  
 43 under section 257.6, subsection 1, paragraph "f". A  
 44 pupil enrolled in grades nine through twelve under  
 45 this section shall be counted in the same manner as a  
 46 shared-time pupil under section 257.6, subsection 1,  
 47 paragraph "c".

48 Sec. 36. Section 403.19, subsection 2, Code 2001,  
 49 is amended to read as follows:

50 2. That portion of the taxes each year in excess

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1 of such amount shall be allocated to and when  
 2 collected be paid into a special fund of the  
 3 municipality to pay the principal of and interest on  
 4 loans, moneys advanced to, or indebtedness, whether  
 5 funded, refunded, assumed, or otherwise, including  
 6 bonds issued under the authority of section 403.9,  
 7 subsection 1, incurred by the municipality to finance  
 8 or refinance, in whole or in part, an urban renewal  
 9 project within the area, and to provide assistance for  
 10 low and moderate income family housing as provided in  
 11 section 403.22, except that taxes for the regular and  
 12 voter-approved physical plant and equipment levy of a  
 13 school district imposed pursuant to section 298.2 and  
 14 taxes for the payment of bonds and interest of each  
 15 taxing district must be collected against all taxable  
 16 property within the taxing district without limitation  
 17 by the provisions of this subsection. However, all or  
 18 a portion of the taxes for the physical plant and  
 19 equipment levy shall be paid by the school district to  
 20 the municipality if the ~~municipality auditor~~ certifies  
 21 to the school district by July 1 the amount of such  
 22 levy that is necessary to pay the principal and  
 23 interest on ~~indebtedness incurred~~ bonds issued by the  
 24 municipality to finance an urban renewal project,  
 25 which ~~indebtedness was incurred~~ bonds were issued  
 26 before July 1, ~~2000~~ 2001. Indebtedness incurred to  
 27 refund bonds issued prior to July 1, 2001, shall not  
 28 be included in the certification. Such school  
 29 district shall pay over the amount certified by  
 30 November 1 and May 1 of the fiscal year following  
 31 certification to the school district. Unless and

32 until the total assessed valuation of the taxable  
33 property in an urban renewal area exceeds the total  
34 assessed value of the taxable property in such area as  
35 shown by the last equalized assessment roll referred  
36 to in subsection 1, all of the taxes levied and  
37 collected upon the taxable property in the urban  
38 renewal area shall be paid into the funds for the  
39 respective taxing districts as taxes by or for the  
40 taxing districts in the same manner as all other  
41 property taxes. When such loans, advances,  
42 indebtedness, and bonds, if any, and interest thereon,  
43 have been paid, all moneys thereafter received from  
44 taxes upon the taxable property in such urban renewal  
45 area shall be paid into the funds for the respective  
46 taxing districts in the same manner as taxes on all  
47 other property.

48 Sec. 37. Section 403.19, Code 2001, is amended by  
49 adding the following new subsection:

50 NEW SUBSECTION. 7. For any fiscal year, a

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1 municipality may certify to the county auditor for  
2 physical plant and equipment revenue necessary for  
3 payment of principal and interest on bonds issued  
4 prior to July 1, 2001, only if the municipality  
5 certified for such revenue for the fiscal year  
6 beginning July 1, 2001. A municipality shall not  
7 certify to the county auditor for a school district  
8 more than the amount the municipality certified for  
9 the fiscal year beginning July 1, 2001. If for any  
10 fiscal year a municipality fails to certify to the  
11 county auditor for a school district by July 1 the  
12 amount of physical plant and equipment revenue  
13 necessary for payment of principal and interest on  
14 such bonds, as provided in subsection 2, the school  
15 district is not required to pay over the revenue to  
16 the municipality. If a school district and a  
17 municipality are unable to agree on the amount of  
18 physical plant and equipment revenue certified by the  
19 municipality for the fiscal year beginning July 1,  
20 2002, either party may request that the state appeal  
21 board review and finally pass upon the amount that may  
22 be certified. Such appeals must be presented in  
23 writing to the state appeal board no later than July  
24 31 following certification. The burden shall be on  
25 the municipality to prove that the physical plant and  
26 equipment levy revenue is necessary to pay principal  
27 and interest on bonds issued prior to July 1, 2001. A  
28 final decision must be issued by the state appeal  
29 board no later than the following October 1.

30 Sec. 38. Section 427.1, subsection 19, Code 2001,

31 as amended by 2001 Iowa Acts, Senate File 514, is  
 32 amended by adding the following new unnumbered  
 33 paragraph:  
 34 NEW UNNUMBERED PARAGRAPH. For purposes of  
 35 establishing the valuation limitation under this  
 36 subsection, if more than one person has an ownership  
 37 interest in the property, the multiple owners shall be  
 38 considered one owner so that the two hundred thousand  
 39 dollar limitation cannot be exceeded as a result of  
 40 multiple ownership. For purposes of applying the  
 41 valuation limitation to multiple properties owned by  
 42 the same person, the two hundred thousand dollar  
 43 limitation shall apply per owner on a statewide basis.  
 44 Sec. 39. Section 483A.27, Code 2001, is amended by  
 45 adding the following new subsection:  
 46 NEW SUBSECTION. 11. A hunter safety and ethics  
 47 instructor certified by the department shall be  
 48 allowed to conduct an approved hunter safety and  
 49 ethics education course on public school property with  
 50 the approval of a majority of the board of directors

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1 of the school district. The conduct of an approved  
 2 hunter safety and ethics education course is not a  
 3 violation of any public policy, rule, regulation,  
 4 resolution, or ordinance which prohibits the  
 5 possession, display, or use of a firearm, bow and  
 6 arrow, or other hunting weapon on public school  
 7 property or other public property in this state.  
 8 Sec. 40. EFFECTIVE AND APPLICABILITY DATES.  
 9 Sections 36 and 37 of this division of this Act, being  
 10 deemed of immediate importance, take effect upon  
 11 enactment and apply to property taxes due and payable  
 12 in fiscal years beginning on or after July 1, 2002.  
 13 Sec. 41. CONTINGENT EFFECTIVE DATE. Section 38 of  
 14 this Act shall take effect only if 2001 Iowa Acts,  
 15 Senate File 514 is enacted without adoption of  
 16 amendment H-1883 or, in the alternative, Senate File  
 17 514 is enacted without adoption of H-1914 to amendment  
 18 H-1897 to Senate File 514.

19 DIVISION VI  
 20 SCHEDULED VIOLATIONS

21 Sec. 42. Section 321.17, Code 2001, is amended to  
 22 read as follows:  
 23 321.17 MISDEMEANOR TO VIOLATE REGISTRATION  
 24 PROVISIONS.  
 25 It is a simple misdemeanor punishable as a  
 26 scheduled violation under section 805.8A, subsection  
 27 2, paragraph "b", for any person to drive or move or  
 28 for an owner knowingly to permit to be driven or moved  
 29 upon the highway a vehicle of a type required to be

30 registered under this chapter which is not registered,  
 31 or for which the appropriate fee has not been paid,  
 32 except as provided in section 321.109, subsection 3.  
 33 Sec. 43. Section 321.98, Code 2001, is amended to  
 34 read as follows:  
 35 321.98 OPERATION WITHOUT REGISTRATION.  
 36 ~~No~~ A person shall ~~not~~ operate, ~~nor shall~~ and an  
 37 owner shall not knowingly permit to be operated upon  
 38 any highway any vehicle required to be registered and  
 39 titled hereunder unless there shall be attached  
 40 thereto and displayed thereon when and as required by  
 41 this chapter a valid registration card and  
 42 registration plate or plates issued therefor for the  
 43 current registration year and unless a certificate of  
 44 title has been issued for such vehicle except as  
 45 otherwise expressly permitted in this chapter. Any  
 46 violation of this section is a simple misdemeanor  
 47 punishable as a scheduled violation under section  
 48 805.8A, subsection 2, paragraph "b".  
 49 Sec. 44. Section 321.193, unnumbered paragraph 4,  
 50 Code 2001, is amended to read as follows:

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1 It is a simple misdemeanor punishable as a  
 2 scheduled violation under section 805.8A, subsection  
 3 4, paragraph "a", for a person to operate a motor  
 4 vehicle in any manner in violation of the restrictions  
 5 imposed on a restricted license issued to that person  
 6 under this section.  
 7 Sec. 45. Section 321.216, unnumbered paragraph 1,  
 8 Code 2001, is amended to read as follows:  
 9 It is a simple misdemeanor punishable as a  
 10 scheduled violation under section 805.8A, subsection  
 11 4, paragraph "b", for any person:  
 12 Sec. 46. Section 321.216B, Code 2001, is amended  
 13 to read as follows:  
 14 321.216B USE OF DRIVER'S LICENSE OR NONOPERATOR'S  
 15 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN  
 16 ALCOHOL.  
 17 A person who is under the age of twenty-one, who  
 18 alters or displays or has in the person's possession a  
 19 fictitious or fraudulently altered driver's license or  
 20 nonoperator's identification card and who uses the  
 21 license to violate or attempt to violate section  
 22 123.47, commits a simple misdemeanor punishable ~~by a~~  
 23 fine of one hundred dollars as a scheduled violation  
 24 under section 805.8A, subsection 4, paragraph "c".  
 25 The court shall forward a copy of the conviction to  
 26 the department.  
 27 Sec. 47. Section 321.216C, Code 2001, is amended  
 28 to read as follows:

29 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S  
30 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN  
31 CIGARETTES OR TOBACCO PRODUCTS.

32 A person who is under the age of eighteen, who  
33 alters or displays or has in the person's possession a  
34 fictitious or fraudulently altered driver's license or  
35 nonoperator's identification card and who uses the  
36 license or card to violate or attempt to violate  
37 section 453A.2, subsection 2, commits a simple  
38 misdemeanor punishable by a fine of one hundred  
39 dollars as a scheduled violation under section 805.8A,  
40 subsection 4, paragraph "c". The court shall forward  
41 a copy of the conviction to the department.

42 Sec. 48. Section 321L.3, unnumbered paragraph 2,  
43 Code 2001, is amended to read as follows:

44 A person who fails to return the persons with  
45 disabilities parking permit and subsequently misuses  
46 the permit by illegally parking in a persons with  
47 disabilities parking space is guilty of a simple  
48 misdemeanor and subject to a fine of up to one hundred  
49 dollars punishable as a scheduled violation under  
50 section 805.8A, subsection 1, paragraph "c".

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1 Sec. 49. Section 321L.7, Code 2001, is amended to  
2 read as follows:

3 321L.7 PENALTY FOR FAILING TO PROVIDE PERSONS WITH  
4 DISABILITIES PARKING SPACES AND SIGNS.

5 Failure to provide proper persons with disabilities  
6 parking spaces as provided in section 321L.5 or to  
7 properly display persons with disabilities parking  
8 signs as provided in section 321L.6 is a simple  
9 misdemeanor for which a fine of one hundred dollars  
10 shall be imposed for each violation punishable as a  
11 scheduled violation under section 805.8A, subsection  
12 1, paragraph "c".

13 Sec. 50. Section 452A.52, unnumbered paragraph 2,  
14 Code 2001, is amended to read as follows:

15 Any person who is unable to display either of the  
16 permits or the license provided in section 452A.53 and  
17 brings into the state in the fuel supply tanks of a  
18 commercial motor vehicle more than thirty gallons of  
19 motor fuel or special fuel in violation of the  
20 provisions of the preceding paragraph is guilty of  
21 subsection 1 commits a simple misdemeanor punishable  
22 as a scheduled violation under section 805.8A,  
23 subsection 13, paragraph "c".

24 Sec. 51. CONFLICTING LEGISLATION. If both 2001  
25 Iowa Acts, Senate File 499 and 2001 Iowa Acts, House  
26 File 561 are enacted by the Seventy-ninth General  
27 Assembly and if House File 561 maintains the scheduled

28 fine for a violation of section 321.234A at one  
 29 hundred dollars, the scheduled fine of fifty dollars,  
 30 as enacted in Senate File 499, shall prevail and the  
 31 scheduled fine of one hundred dollars, as enacted in  
 32 House File 561, shall be void.

33 Sec. 52. CONTINGENT EFFECTIVENESS. This division  
 34 of this Act takes effect only if 2001 Iowa Acts,  
 35 Senate File 499 is enacted.

#### 36 DIVISION VII

#### 37 CORRECTIVE AMENDMENTS

38 Sec. 53. Section 103A.3, subsections 10, 11, 20,  
 39 and 25, Code 2001, are amended to read as follows:

40 10. "Ground anchoring system" means any device or  
 41 combination of devices used to securely anchor a  
 42 manufactured or mobile home to the ground.

43 11. "Ground support system" means any device or  
 44 combination of devices placed beneath a manufactured  
 45 or mobile home and used to provide support.

46 20. "Permanent site" means any lot or parcel of  
 47 land on which a manufactured or mobile home used as a  
 48 dwelling or place of business, is located for ninety  
 49 consecutive days except a construction site when the  
 50 manufactured or mobile home is used by a commercial

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1 contractor as a construction office or storage room.  
 2 25. "Tiedown system" means a ground support system  
 3 and a ground anchoring system used in concert to  
 4 provide anchoring and support for a manufactured or  
 5 mobile home.

6 Sec. 54. Section 103A.26, Code 2001, if enacted by  
 7 2001 Iowa Acts, Senate File 185, section 4, is amended  
 8 to read as follows:

9 103A.26 MANUFACTURED OR MOBILE HOME INSTALLERS  
 10 CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

11 1. a. A person who installs a manufactured or  
 12 mobile home for another person shall be certified in  
 13 accordance with rules adopted by the commissioner  
 14 pursuant to chapter 17A. The commissioner may assess  
 15 a fee sufficient to recover the costs of administering  
 16 the certification of manufactured or mobile home  
 17 installers. The commissioner may suspend or revoke  
 18 the certification of a manufactured or mobile home  
 19 installer for failure to perform installation of a  
 20 manufactured or mobile home, pursuant to certification  
 21 standards as provided by rules of the commissioner.

22 b. Notwithstanding section 103A.23, all fees  
 23 collected by the commissioner for the administration  
 24 of the manufactured or mobile home program shall be  
 25 credited to the general fund of the state and are  
 26 appropriated to the commissioner for the purpose of

27 administering this certification program including the  
28 employment of personnel for the enforcement and  
29 administration of this program.

30 2. If a provision of this chapter or a rule  
31 adopted pursuant to this chapter relating to the  
32 manufacture or installation of a manufactured or  
33 mobile home is violated, the commissioner may assess a  
34 civil penalty not to exceed one thousand dollars for  
35 each offense. Each violation involving a separate  
36 manufactured or mobile home, or a separate failure or  
37 refusal to allow an act to be performed or to perform  
38 an act as required by this chapter, or a rule adopted  
39 pursuant to this chapter constitutes a separate  
40 offense. However, the maximum amount of civil  
41 penalties which may be assessed for any series of  
42 violations occurring within one year from the date of  
43 the first violation shall not exceed one million  
44 dollars.

45 Sec. 55. Section 165A.5, subsection 1, as enacted  
46 by 2001 Iowa Acts, Senate File 209, section 5, is  
47 amended to read as follows:

48 1. ~~Except as provided in this subsection, a~~  
49 person violating a provision of this chapter or any  
50 rule adopted pursuant to this chapter shall be subject

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1 to a civil penalty of at least one hundred dollars but  
2 not more than one thousand dollars. The proceeding to  
3 assess a civil penalty shall be conducted as a  
4 contested case proceeding under chapter 17A.

5 Sec. 56. Section 172E.1, subsection 3, as enacted  
6 by 2001 Iowa Acts, Senate File 209, section 6, is  
7 amended to read as follows:

8 3. "Livestock market" means any place where  
9 livestock are assembled from two or more sources for  
10 public auction, private sale, or sale on a commission  
11 basis, which is under state or federal supervision,  
12 including a livestock auction market, if such  
13 livestock are kept in the place for ten days or less.

14 Sec. 57. Section 232.21, subsection 4, Code 2001,  
15 as amended by 2001 Acts, Senate File 458, section 5,  
16 if enacted, is amended to read as follows:

17 4. A child placed in a shelter care facility under  
18 this section shall not be held for a period in excess  
19 of forty-eight hours without an oral or written court  
20 order authorizing the shelter care. When the action  
21 is authorized by an oral court order, the court shall  
22 enter a written order before the end of the next day  
23 confirming the oral order and indicating the reasons  
24 for the order. A child placed in shelter care  
25 pursuant to section 232.19, subsection 1, paragraph

26 "c", shall not be held in excess of seventy-two hours  
 27 in any event. If deemed appropriate by the court, an  
 28 order authorizing shelter care placement may include a  
 29 determination that continuation of the child in the  
 30 child's home is contrary to the child's welfare and  
 31 that reasonable efforts as defined in section 232.57  
 32 have been made. The inclusion of such a determination  
 33 shall not under any circumstances be deemed a  
 34 prerequisite for entering an order pursuant to this  
 35 section. However, the inclusion of such a finding  
 36 determination, supported by the record, may assist the  
 37 department in obtaining federal funding for the  
 38 child's placement.

39 Sec. 58. Section 321.113, subsection 5, paragraph  
 40 b, unnumbered paragraph 1, if enacted by 2001 Iowa  
 41 Acts, Senate File 350, section 4, is amended to read  
 42 as follows:

43 If the title of a 1993 model year or older motor  
 44 vehicle is transferred to a new owner or if such a  
 45 motor vehicle is brought into the state on or after  
 46 January 1, 2002, the registration fee shall not be  
 47 based on the weight and list price of the motor  
 48 vehicle, but shall be as follows:

49 Sec. 59. Section 322B.2, subsection 4, if enacted  
 50 by 2001 Iowa Acts, House File 656, section 2, is

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1 amended to read as follows:

2 4. "Manufactured or mobile home distributor" means  
 3 a person who sells or distributes manufactured or  
 4 mobile homes to manufactured or mobile home retailers.

5 Sec. 60. Section 331.303, subsection 1, paragraph  
 6 b, Code 2001, as amended by 2001 Iowa Acts, Senate  
 7 File 453, section 1, is amended to read as follows:

8 b. A "warrant book" which records each warrant  
 9 drawn in the order of issuance by number, date,  
 10 amount, and name of drawee, and refers to the order in  
 11 the minute book authorizing its drawing. The board  
 12 may authorize the auditor to issue checks in lieu of  
 13 warrants. If the issuance of checks is authorized,  
 14 the word "check" shall be substituted for the word  
 15 "warrant" in those sections of this chapter and  
 16 chapters ~~6B.11~~ 6B.11, 35B, 336, 349, 350, 427B, and  
 17 468 in which the issuance of a check is authorized in  
 18 lieu of a warrant.

19 Sec. 61. Section 351.39, Code 2001, as amended by  
 20 2001 Iowa Acts, House File 179, section 1, is amended  
 21 to read as follows:

22 351.39 CONFINEMENT.

23 If a local board of health receives information  
 24 that an animal has bitten a person or that a dog or

25 animal is suspected of having rabies, the board shall  
26 order the owner to confine such animal in the manner  
27 it directs. If the owner fails to confine such animal  
28 in the manner directed, the animal shall be  
29 apprehended and impounded by such board, and after ten  
30 days the board may humanely destroy the animal. If  
31 such animal is returned to its owner, the owner shall  
32 pay the cost of impoundment. This section shall not  
33 apply to ~~if~~ a police service dog or a horse used by a  
34 law enforcement agency, ~~that is~~ and acting in the  
35 performance of its duties ~~which~~ has bitten a person.

36 Sec. 62. Section 466.8, unnumbered paragraph 1, as  
37 enacted by 2001 Iowa Acts, Senate File 479, section 2,  
38 is amended to read as follows:

39 The department of natural resources shall establish  
40 an on-site wastewater systems assistance program for  
41 the purpose of providing low-interest loans to  
42 homeowners residing outside the boundaries of a city  
43 for improving on-site wastewater disposal systems.

44 Sec. 63. Section 466.8, subsection 4, as enacted  
45 by 2001 Iowa Acts, Senate File 479, section 2, is  
46 amended to read as follows:

47 4. The department shall report to the general  
48 assembly annually on the progress of the on-site  
49 wastewater systems assistance program.

50 Sec. 64. Section 507B.4A, subsection 2, paragraph

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1 c, as enacted by 2001 Iowa Acts, Senate File 500,  
2 section 8, is amended to read as follows:

3 c. The commissioner shall adopt rules establishing  
4 processes for timely adjudication and payment of  
5 claims by insurers for health care benefits. The  
6 rules shall be consistent with the time frames and  
7 other procedural standards for claims decisions by  
8 group health plans established by the United States  
9 department of labor pursuant to 29 C.F.R. pt. 2560 in  
10 effect ~~at the time of passage of this Act on January~~  
11 1, 2002.

12 Sec. 65. Section 522B.14, subsection 11, as  
13 enacted by 2001 Iowa Acts, Senate File 276, section  
14 28, is amended to read as follows:

15 11. An insurer, the authorized representative of  
16 the insurer, or an insurance producer that fails to  
17 report as required under this section, or that is  
18 found to have reported with actual malice by a court  
19 of competent jurisdiction, after notice and hearing,  
20 may have its license or certificate of authority  
21 suspended or revoked and may be ~~fin~~ penalized as  
22 provided in section 522B.17.

23 Sec. 66. Section 523A.401, subsection 5, paragraph

24 c, if enacted by 2001 Iowa Acts, Senate File 473,  
25 section 28, is amended to read as follows:  
26 c. The policy shall have an increasing death  
27 benefit or similar feature that provides some means  
28 for increasing the funding as the cost of cemetary  
29 merchandise, funeral merchandise, and cemetary goods  
30 and funeral services increases.  
31 Sec. 67. Section 523A.405, subsection 1, if  
32 enacted by 2001 Iowa Acts, Senate File 473, section  
33 32, is amended to read as follows:  
34 1. In lieu of trust requirements, a seller may  
35 file with the commissioner a surety bond issued by a  
36 surety company authorized to do business and doing  
37 business within this state. The bond must be  
38 conditioned upon the seller's faithful performance of  
39 purchase agreements subject to this chapter. The  
40 surety's liability extends to each such agreement  
41 executed while the bond is in force and until  
42 performance or rescision of the purchase agreement.  
43 The aggregate liability of the surety for any and all  
44 breaches of the conditions of the bond shall not  
45 exceed the penal sum of the bond. To the extent  
46 expressly agreed to in writing by the surety, the  
47 surety's liability extends to each such agreement  
48 subject to this chapter executed prior to the time the  
49 bond was in force and until performance or rescision of  
50 the agreement. A purchaser aggrieved by a breach of a

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1 condition of the bond covering the purchaser's  
2 agreement may maintain an action against the bond.  
3 If, at the time of the breach, the purchaser is aware  
4 of the purchaser's rights under the bond and how to  
5 file a claim against the bond, the surety shall not be  
6 liable for any breach of condition unless the surety  
7 receives notice of a claim within sixty days following  
8 discovery of the acts, omissions, or conditions  
9 constituting the breach of condition, except as  
10 otherwise provided in this section. A surety bond  
11 shall not be canceled by a surety except upon a  
12 written notice of cancellation given by the surety to  
13 the commissioner by restricted certified mail, and not  
14 prior to the expiration of sixty days after receipt of  
15 the notice by the commissioner. The surety's  
16 liability shall extend to each purchase agreement  
17 subject to this chapter executed prior to cancellation  
18 of the surety bond until the seller has complied with  
19 section subsection 3.  
20 Sec. 68. Section 554.9525, subsections 3 and 4, as  
21 enacted by 2000 Iowa Acts, chapter 1149, section 96,  
22 are amended to read as follows:

23 ~~3.~~ 2. NUMBER OF NAMES. The number of names  
 24 required to be indexed does not affect the amount of  
 25 the fee in ~~subsections~~ subsection 1 and 2.  
 26 ~~4.~~ 3. RESPONSE TO INFORMATION REQUEST. A rule ~~or~~  
 27 ~~ordinance~~ adopted pursuant to subsection 1 must set  
 28 the fee for responding to a request for information  
 29 from the filing office, including for communicating  
 30 whether there is on file any financing statement  
 31 naming a particular debtor. A fee for responding to a  
 32 request communicated in writing must be not less than  
 33 twice the amount of the fee for responding to a  
 34 request communicated by another medium authorized by  
 35 the office of secretary of state or the board of  
 36 supervisors for the filing office where its filing  
 37 office is located.

38 Sec. 69. Section 558.39, unnumbered paragraph 1,  
 39 Code 2001, as amended by 2001 Iowa Acts, House File  
 40 259, is amended to read as follows:  
 41 The following forms of acknowledgment shall be  
 42 sufficient in the cases to which they are respectively  
 43 applicable. In each case where one of these forms is  
 44 used, the name of the state and county where the  
 45 acknowledgment is taken shall precede the body of the  
 46 certificate, and the signature and official title of  
 47 the officer shall follow it as indicated in the first  
 48 form and shall constitute a part of the certificate,  
 49 and the stamp or seal of the officer shall be attached  
 50 when necessary under the provision of this chapter and

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1 as provided in section ~~9E.6~~ 9E.6A. No certificate of  
 2 acknowledgment shall be held to be defective on  
 3 account of the failure to show the official title of  
 4 the officer making the certificate if such title  
 5 appears either in the body of such certificate or in  
 6 connection therewith, or with the signature thereto.

7 Sec. 70. Section 627.6, subsection 8, paragraph f,  
 8 subparagraph (3), Code 2001, as amended by 2001 Iowa  
 9 Acts, House File 654, section 3, if enacted, is  
 10 amended to read as follows:  
 11 (3) For simplified employee pension plans, self-  
 12 employed pension plans (also known as Keogh plans or  
 13 H.R. 10 plans), individual retirement accounts  
 14 established under section 408(a) of the Internal  
 15 Revenue Code, individual retirement annuities  
 16 established under section 408(b) of the Internal  
 17 Revenue Code, savings incentive matched plans for  
 18 employees, salary reduction simplified employee  
 19 pension plans (also known as SARSEPs), and similar  
 20 plans for retirement investments authorized in the  
 21 future under federal law, the exemption for

22 contributions shall not exceed, for each tax year of  
 23 contributions, the actual amount of the contribution  
 24 deducted for individual retirement accounts and  
 25 annuities established under section 408 of the  
 26 Internal Revenue Code or the maximum amount which  
 27 could be contributed and deducted in the tax year of  
 28 the contribution on the debtor's tax return or the  
 29 maximum amount which could be contributed to an  
 30 individual retirement account established under  
 31 section 408(a) of the Internal Revenue Code and  
 32 deducted in the tax year of the contribution,  
 33 whichever is less. The exemption for accumulated  
 34 earnings and market increases in value of plans under  
 35 this subparagraph shall be limited to an amount  
 36 determined by multiplying all the accumulated earnings  
 37 and market increases in value by a fraction, the  
 38 numerator of which is the total amount of exempt  
 39 contributions as determined by this subparagraph, and  
 40 the denominator of which is the total of exempt and  
 41 nonexempt contributions to the plan.

42 Sec. 71. Section 633.4213, subsection 5, Code  
 43 2001, is amended to read as follows:

44 5. A trustee shall prepare and send to the  
 45 beneficiaries an account of the trust property,  
 46 liabilities, receipts, and disbursements at least  
 47 annually, at the termination of the trust, and upon a  
 48 change of a trustee. An accounting on behalf of a  
 49 former trustee shall be prepared by the former  
 50 trustee, or if the trustee's appointment is terminated

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1 by reason of death or incapacity, by the former  
 2 trustee's personal representative or guardian or  
 3 conservator.

4 Sec. 72. Section 702.11, subsection 2, paragraph  
 5 e, as enacted by 2001 Iowa Acts, Senate File 63,  
 6 section 1, is amended to read as follows:

7 e. Child endangerment resulting in bodily injury  
 8 to a child or a minor in violation of section 726.6,  
 9 subsection 2A.

10 Sec. 73. 2001 Iowa Acts, House File 656, section  
 11 15, is amended to read as follows:

12 SEC. 15. Sections ~~403A.3~~, 103A.30, 103A.31, 321.1,  
 13 321.47, 321.123, 321.251, 321.284A, 321.457, 321E.28,  
 14 321E.31, 331.429, 331.653, 422.43, 422A.1, 425.17,  
 15 426A.11, 427.11, 435.22, 441.17, 445.1, 445.36A,  
 16 445.37, 445.38, 515C.1, 534.605, 562B.2, 562B.13,  
 17 631.1, 631.4, and 648.3, Code 2001, are amended by  
 18 inserting before the words "mobile home" the words  
 19 "manufactured or".

20 Sec. 74. DIRECTION TO CODE EDITOR. In codifying

21 provisions of 2000 Iowa Acts, chapter 1149, in Code  
 22 Supplement 2001, the Code editor may change references  
 23 from "this Act" to an appropriate reference, including  
 24 but not limited to "this Article", wherever it appears  
 25 in the Act, after consultation with the Iowa state bar  
 26 association. The Iowa state bar association is  
 27 requested to respond to the Code editor's  
 28 consultations by no later than July 31, 2001. Nothing  
 29 in this section limits the authority of the Code  
 30 editor under section 2B.13.

31 Sec. 75. CONTINGENT EFFECTIVENESS. The sections  
 32 of this division of this Act amending Code section  
 33 103A.3 and Code section 103A.26, if enacted, and Code  
 34 section 322B.2, take effect only if 2001 Iowa Acts,  
 35 House File 656 is enacted."

JEFF LAMBERTI

### S-3655

- 1 Amend the House amendment, S-3645, to Senate File  
 2 537, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 3 through 6.  
 5 2. By renumbering as necessary.

MARY A. LUNDBY  
 MARY E. KRAMER  
 JEFF LAMBERTI

### S-3656

- 1 Amend House File 755, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 15, line 35, through page 16,  
 4 line 11.

JOHNIE HAMMOND

### S-3657

- 1 Amend House File 755, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 9, by inserting after line 33, the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 135.24, subsection 2, paragraph  
 6 c, Code 2001, is amended to read as follows:  
 7 c. Identification of the medical services to be  
 8 provided under the program. The medical services  
 9 provided ~~shall~~ may include, but shall not be limited  
 10 to, obstetrical and gynecological medical services,

11 and psychiatric services provided by a physician  
12 licensed under chapter 148, 150, or 150A".

JOHN REDWINE

**S-3658**

1 Amend House File 746, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. STATE COURTS -- JUSTICES, JUDGES, AND  
6 MAGISTRATES.

7 1. The salary rates specified in subsection 2 are  
8 for the fiscal year beginning July 1, 2001, effective  
9 for the pay period beginning June 22, 2001, and for  
10 subsequent fiscal years until otherwise provided by  
11 the general assembly. The salaries provided for in  
12 this section shall be paid from funds appropriated to  
13 the judicial branch from the salary adjustment fund or  
14 if the appropriation is not sufficient, from the funds  
15 appropriated to the judicial branch pursuant to any  
16 Act of the general assembly.

17 2. The following annual salary rates shall be paid  
18 to the persons holding the judicial positions  
19 indicated during the fiscal year beginning July 1,  
20 2001, effective with the pay period beginning June 22,  
21 2001, and for subsequent pay periods.

22 a. Chief justice of the supreme court:		
23 .....	\$	120,920
24 b. Each justice of the supreme court:		
25 .....	\$	116,600
26 c. Chief judge of the court of appeals:		
27 .....	\$	116,490
28 d. Each associate judge of the court of appeals:		
29 .....	\$	112,170
30 e. Each chief judge of a judicial district:		
31 .....	\$	111,140
32 f. Each district judge except the chief judge of a		
33 judicial district:		
34 .....	\$	106,610
35 g. Each district associate judge:		
36 .....	\$	92,910
37 h. Each associate juvenile judge:		
38 .....	\$	92,910
39 i. Each associate probate judge:		
40 .....	\$	92,910
41 j. Each judicial magistrate:		
42 .....	\$	27,700
43 k. Each senior judge:		
44 .....	\$	6,180

45 Sec. 2. SALARY RATE LIMITS. Persons receiving the

46 salary rates established under section 1 of this Act  
47 shall not receive any additional salary adjustments  
48 provided by this Act.  
49 Sec. 3. APPOINTED STATE OFFICERS. The governor  
50 shall establish a salary for appointed nonelected

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1 persons in the executive branch of state government  
2 holding a position enumerated in section 4 of this Act  
3 within the range provided, by considering, among other  
4 items, the experience of the individual in the  
5 position, changes in the duties of the position, the  
6 incumbent's performance of assigned duties, and  
7 subordinates' salaries. However, the attorney general  
8 shall establish the salary for the consumer advocate,  
9 the chief justice of the supreme court shall establish  
10 the salary for the state court administrator, the  
11 ethics and campaign disclosure board shall establish  
12 the salary of the executive director, and the state  
13 fair board shall establish the salary of the secretary  
14 of the state fair board, each within the salary range  
15 provided in section 4 of this Act.

16 The governor, in establishing salaries as provided  
17 in section 4 of this Act, shall take into  
18 consideration other employee benefits which may be  
19 provided for an individual including, but not limited  
20 to, housing.

21 A person whose salary is established pursuant to  
22 section 4 of this Act and who is a full-time, year-  
23 round employee of the state shall not receive any  
24 other remuneration from the state or from any other  
25 source for the performance of that person's duties  
26 unless the additional remuneration is first approved  
27 by the governor or authorized by law. However, this  
28 provision does not exclude the reimbursement for  
29 necessary travel and expenses incurred in the  
30 performance of duties or fringe benefits normally  
31 provided to employees of the state.

32 Sec. 4. STATE OFFICERS -- SALARY RATES AND RANGES.

33 The following annual salary ranges are effective for  
34 the positions specified in this section for the fiscal  
35 year beginning July 1, 2001, and for subsequent fiscal  
36 years until otherwise provided by the general  
37 assembly. The governor or other person designated in  
38 section 3 of this Act shall determine the salary to be  
39 paid to the person indicated at a rate within the  
40 salary ranges indicated from funds appropriated by the  
41 general assembly for that purpose.

42 1. The following are salary ranges 1 through 5 for  
43 the fiscal year beginning July 1, 2001, effective with  
44 the pay period beginning June 22, 2001:

45 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
46 a. Range 1 .....	\$ 8,800	\$ 29,870
47 b. Range 2 .....	\$ 32,200	\$ 60,255
48 c. Range 3 .....	\$ 44,100	\$ 70,246
49 d. Range 4 .....	\$ 53,100	\$ 80,340
50 e. Range 5 .....	\$ 62,400	\$ 90,434

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1 2. The following are range 1 positions: There are  
2 no range 1 positions for the fiscal year beginning  
3 July 1, 2001.

4 3. The following are range 2 positions:  
5 administrator of the arts division of the department  
6 of cultural affairs, administrators of the division of  
7 persons with disabilities, the division on the status  
8 of women, the division on the status of African-  
9 Americans, the division of deaf services, and the  
10 division of Latino affairs of the department of human  
11 rights, and administrator of the division of  
12 professional licensing and regulation of the  
13 department of commerce.

14 4. The following are range 3 positions:  
15 administrator of the division of emergency management  
16 of the department of public defense, administrator of  
17 the division of criminal and juvenile justice planning  
18 of the department of human rights, administrator of  
19 the division of community action agencies of the  
20 department of human rights, executive director of the  
21 commission of veterans affairs, and chairperson and  
22 members of the employment appeal board of the  
23 department of inspections and appeals.

24 5. The following are range 4 positions:  
25 superintendent of banking, superintendent of credit  
26 unions, and chairperson, vice chairperson, and members  
27 of the board of parole.

28 6. The following are range 5 positions: consumer  
29 advocate, state public defender, drug policy  
30 coordinator, labor commissioner, workers' compensation  
31 commissioner, administrator of the alcohol beverages  
32 division of the department of commerce, and  
33 administrator of the historical division of the  
34 department of cultural affairs.

35 7. The following are salary ranges 6 through 9 for  
36 the fiscal year beginning July 1, 2001, effective with  
37 the pay period beginning June 22, 2001:

45 SALARY RANGES	<u>Minimum</u>	<u>Maximum</u>
39 a. Range 6 .....	\$ 48,200	\$ 80,340
40 b. Range 7 .....	\$ 66,000	\$ 91,155
41 c. Range 8 .....	\$ 70,800	\$ 105,781
42 d. Range 9 .....	\$ 79,000	\$ 126,175

43 8. The following are range 6 positions: director

44 of the department of human rights, director of the  
45 Iowa state civil rights commission, executive director  
46 of the college student aid commission, director of the  
47 department for the blind, and executive director of  
48 the ethics and campaign disclosure board.  
49 9. The following are range 7 positions: director  
50 of the department of cultural affairs, director of the

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1 department of elder affairs, and director of the law  
2 enforcement academy.  
3 10. The following are range 8 positions: the  
4 administrator of the state racing and gaming  
5 commission of the department of inspections and  
6 appeals, director of the department of inspections and  
7 appeals, commandant of the veterans home, director of  
8 the department of general services, director of the  
9 department of personnel, administrator of the public  
10 broadcasting division of the department of education,  
11 commissioner of public safety, commissioner of  
12 insurance, executive director of the Iowa finance  
13 authority, director of the department of natural  
14 resources, director of the department of corrections,  
15 and chairperson of the utilities board. The other  
16 members of the utilities board shall receive an annual  
17 salary within a range of not less than 90 percent but  
18 not more than 95 percent of the annual salary of the  
19 chairperson of the utilities board.

20 11. The following are range 9 positions: director  
21 of the department of education, director of human  
22 services, director of the department of economic  
23 development, director of the information technology  
24 department, executive director of the Iowa  
25 communications and technology commission, executive  
26 director of the state board of regents, director of  
27 the state department of transportation, director of  
28 the department of workforce development, director of  
29 revenue and finance, lottery commissioner, director of  
30 public health, the state court administrator,  
31 secretary of the state fair board, and the director of  
32 the department of management.

33 **Sec. 5. PUBLIC EMPLOYMENT RELATIONS BOARD.**

34 1. The salary rates specified in this section are  
35 effective for the fiscal year beginning July 1, 2001,  
36 with the pay period beginning June 22, 2001, and for  
37 subsequent fiscal years until otherwise provided by  
38 the general assembly. The salaries provided for in  
39 this section shall be paid from funds appropriated to  
40 the public employment relations board from the salary  
41 adjustment fund, or if the appropriation is not  
42 sufficient from funds appropriated to the public

43 employment relations board pursuant to any other Act  
44 of the general assembly.

45 2. The following annual salary rates shall be paid  
46 to the persons holding the positions indicated:

47 a. Chairperson of the public employment relations  
48 board:

49 .....\$ 70,761

50 b. Two members of the public employment relations

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1 board:

2 .....\$ 65,920

3 Sec. 6. COLLECTIVE BARGAINING AGREEMENTS FUNDED --  
4 GENERAL FUND. There is appropriated from the general

5 fund of the state to the salary adjustment fund for  
6 distribution by the department of management to the  
7 various state departments, boards, commissions,  
8 councils, and agencies, including the state board of  
9 regents, for the fiscal year beginning July 1, 2001,  
10 and ending June 30, 2002, the amount of \$91,000,000,  
11 or so much thereof as may be necessary, to fully fund  
12 the following annual pay adjustments, expense  
13 reimbursements, and related benefits:

14 1. The collective bargaining agreement negotiated  
15 pursuant to chapter 20 for employees in the blue  
16 collar bargaining unit.

17 2. The collective bargaining agreement negotiated  
18 pursuant to chapter 20 for employees in the public  
19 safety bargaining unit.

20 3. The collective bargaining agreement negotiated  
21 pursuant to chapter 20 for employees in the security  
22 bargaining unit.

23 4. The collective bargaining agreement negotiated  
24 pursuant to chapter 20 for employees in the technical  
25 bargaining unit.

26 5. The collective bargaining agreement negotiated  
27 pursuant to chapter 20 for employees in the  
28 professional fiscal and staff bargaining unit.

29 6. The collective bargaining agreement negotiated  
30 pursuant to chapter 20 for employees in the university  
31 of northern Iowa faculty bargaining unit.

32 7. The collective bargaining agreement negotiated  
33 pursuant to chapter 20 for employees in the clerical  
34 bargaining unit.

35 8. The collective bargaining agreement negotiated  
36 pursuant to chapter 20 for employees in the  
37 professional social services bargaining unit.

38 9. The collective bargaining agreement negotiated  
39 pursuant to chapter 20 for employees in the community-  
40 based corrections bargaining unit.

41 10. The collective bargaining agreement negotiated

42 pursuant to chapter 20 for employees in the judicial  
43 branch of government bargaining unit.  
44 11. The collective bargaining agreement negotiated  
45 pursuant to chapter 20 for employees in the patient  
46 care bargaining unit.  
47 12. The collective bargaining agreement negotiated  
48 pursuant to chapter 20 for employees in the science  
49 bargaining unit.  
50 13. The collective bargaining agreement negotiated

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1 pursuant to chapter 20 for employees in the state  
2 university of Iowa graduate student bargaining unit.  
3 14. The collective bargaining agreement negotiated  
4 pursuant to chapter 20 for employees in the state  
5 university of Iowa hospital and clinics tertiary  
6 health care bargaining unit.  
7 15. The annual pay adjustments, related benefits,  
8 and expense reimbursements referred to in sections 7  
9 and 8 of this Act for employees not covered by a  
10 collective bargaining agreement.  
11 Sec. 7. NONCONTRACT STATE EMPLOYEES -- GENERAL.  
12 1. a. For the fiscal year beginning July 1, 2001,  
13 the maximum salary levels of all pay plans provided  
14 for in section 19A.9, subsection 2, as they exist for  
15 the fiscal year ending June 30, 2001, shall be  
16 increased by 3 percent for the pay period beginning  
17 June 22, 2001, and any additional changes in the pay  
18 plans shall be approved by the governor.  
19 b. For the fiscal year beginning July 1, 2001,  
20 employees may receive a step increase or the  
21 equivalent of a step increase.  
22 2. The pay plans for state employees who are  
23 exempt from chapter 19A and who are included in the  
24 department of revenue and finance's centralized  
25 payroll system shall be increased in the same manner  
26 as provided in subsection 1, and any additional  
27 changes in any executive branch pay plans shall be  
28 approved by the governor.  
29 3. This section does not apply to members of the  
30 general assembly, board members, commission members,  
31 salaries of persons set by the general assembly  
32 pursuant to this Act, or set by the governor, other  
33 persons designated in section 3 of this Act, employees  
34 designated under section 19A.3, subsection 5, and  
35 employees covered by 581 IAC 4.6(3).  
36 4. The pay plans for the bargaining eligible  
37 employees of the state shall be increased in the same  
38 manner as provided in subsection 1, and any additional  
39 changes in such executive branch pay plans shall be  
40 approved by the governor. As used in this section,

41 "bargaining eligible employee" means an employee who  
42 is eligible to organize under chapter 20, but has not  
43 done so.

44 5. The policies for implementation of this section  
45 shall be approved by the governor.

46 Sec. 8. STATE EMPLOYEES -- STATE BOARD OF REGENTS.

47 Funds from the appropriation in section 6 of this Act  
48 shall be allocated to the state board of regents for  
49 the purposes of providing increases for state board of  
50 regents employees covered by section 6 of this Act and

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1 for employees not covered by a collective bargaining  
2 agreement as follows:

3 1. For regents merit system employees and merit  
4 supervisory employees to fund for the fiscal year,  
5 increases comparable to those provided for similar  
6 contract-covered employees in this Act.

7 2. For faculty members and professional and  
8 scientific employees to fund for the fiscal year,  
9 percentage increases comparable to those provided for  
10 contract-covered employees in section 6, subsection 6,  
11 of this Act.

12 Sec. 9. APPROPRIATIONS FROM ROAD FUNDS.

13 1. There is appropriated from the road use tax  
14 fund to the salary adjustment fund for the fiscal year  
15 beginning July 1, 2001, and ending June 30, 2002, the  
16 following amount, or so much thereof as may be  
17 necessary, to be used for the purpose designated:

18 To supplement other funds appropriated by the  
19 general assembly:

20 .....\$ 3,500,000

21 2. There is appropriated from the primary road  
22 fund to the salary adjustment fund, for the fiscal  
23 year beginning July 1, 2001, and ending June 30, 2002,  
24 the following amount, or so much thereof as may be  
25 necessary, to be used for the purpose designated:

26 To supplement other funds appropriated by the  
27 general assembly:

28 .....\$ 3,000,000

29 3. Except as otherwise provided in this Act, the  
30 amounts appropriated in subsections 1 and 2 shall be  
31 used to fund the annual pay adjustments, expense  
32 reimbursements, and related benefits for public  
33 employees as provided in this Act.

34 Sec. 10. SPECIAL FUNDS -- AUTHORIZATION. To

35 departmental revolving, trust, or special funds,  
36 except for the primary road fund or the road use tax  
37 fund, for which the general assembly has established  
38 an operating budget, a supplemental expenditure  
39 authorization is provided, unless otherwise provided,

40 in an amount necessary to fund salary adjustments as  
41 otherwise provided in this Act.  
42 Sec. 11. GENERAL FUND SALARY MONEYS. Funds  
43 appropriated from the general fund of the state in  
44 this Act relate only to salaries supported from  
45 general fund appropriations of the state except for  
46 employees of the state board of regents. The funds  
47 appropriated from the general fund of the state for  
48 employees of the state board of regents shall exclude  
49 general university indirect costs and general  
50 university federal funds.

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1 Sec. 12. FEDERAL FUNDS APPROPRIATED. All federal  
2 grants to and the federal receipts of the agencies  
3 affected by this Act which are received and may be  
4 expended for purposes of this Act are appropriated for  
5 those purposes and as set forth in the federal grants  
6 or receipts.  
7 Sec. 13. STATE TROOPER MEAL ALLOWANCE. The sworn  
8 peace officers in the department of public safety who  
9 are not covered by a collective bargaining agreement  
10 negotiated pursuant to chapter 20 shall receive the  
11 same per diem meal allowance as the sworn peace  
12 officers in the department of public safety who are  
13 covered by a collective bargaining agreement  
14 negotiated pursuant to chapter 20.  
15 Sec. 14. SALARY MODEL COORDINATOR. Of the funds  
16 appropriated by section 6 of this Act, \$133,800 for  
17 the fiscal year beginning July 1, 2001, is allocated  
18 to the department of management for salary and support  
19 of the salary model coordinator who shall work in  
20 conjunction with the legislative fiscal bureau to  
21 maintain the state's salary model used for analyzing,  
22 comparing, and projecting state employee salary and  
23 benefit information, including information relating to  
24 employees of the state board of regents. The  
25 department of revenue and finance, the department of  
26 personnel, the five institutions under the  
27 jurisdiction of the state board of regents, the eight  
28 judicial district departments of correctional  
29 services, and the state department of transportation  
30 shall provide salary data to the department of  
31 management and the legislative fiscal bureau to  
32 operate the state's salary model. The format and  
33 frequency of provision of the salary data shall be  
34 determined by the department of management and the  
35 legislative fiscal bureau. The information shall be  
36 used in collective bargaining processes under chapter  
37 20 and in calculating the funding needs contained  
38 within the annual salary adjustment legislation. A

39 state employee organization as defined in section  
40 20.3, subsection 4, may request information produced  
41 by the model, but the information provided shall not  
42 contain information attributable to individual  
43 employees.

44 Sec. 15. STATE HEALTH INSURANCE SURCHARGE --  
45 TERMINAL LIABILITY AND ADMINISTRATION COSTS.

46 1. For the fiscal year beginning July 1, 2001, and  
47 ending June 30, 2002, the executive council shall  
48 cause the department of personnel to include in the  
49 rates for Wellmark Blue Cross/Blue Shield Program 3  
50 Plus, Wellmark Blue Cross/Blue Shield Program 3 plus

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1 with a comprehensive major medical overlay, and Iowa  
2 Select Preferred Provider Organization health  
3 insurance plans a surcharge, as determined by the  
4 department of management, on only the employer's share  
5 of the health insurance premium cost to fund the  
6 state's share of the terminal liability of the  
7 existing Wellmark health insurance contract. The  
8 department of revenue and finance shall collect the  
9 surcharge from state agencies, the state fair board,  
10 board of regents, and the eight judicial district  
11 departments of correctional services. The health  
12 insurance plans provided to state employees covered by  
13 the state police officers council collective  
14 bargaining agreement are exempt from the surcharge  
15 provided for in this section.

16 2. For the fiscal year beginning July 1, 2001, and  
17 ending June 30, 2002, the department of personnel  
18 shall also include in the premium rates for all health  
19 insurance plans administered by the department an  
20 administration fee of \$2.28 per contract which shall  
21 be assessed only to the employer's share of the  
22 insurance premium. The department of revenue and  
23 finance shall remit the proceeds of the administration  
24 fee monthly to the department of personnel to pay the  
25 administrative costs of state employee benefit  
26 programs.

27 Sec. 16. PATIENT CARE BARGAINING UNIT -- OVERTIME.

28 1. Of the funds appropriated in section 6 of this  
29 Act, the following amount, or so much thereof as is  
30 necessary, shall be allocated to the department of  
31 revenue and finance for the fiscal year beginning July  
32 1, 2001, and ending June 30, 2002, to be used for the  
33 purpose designated:

34 To reimburse state agencies for expenditures  
35 related to the payment of overtime to state employees  
36 covered under the patient care bargaining unit:

37 .....\$

768,000

38 2. The department of revenue and finance shall  
 39 provide guidelines and forms for documentation that a  
 40 state agency shall submit for the overtime  
 41 reimbursement provided for in subsection 1. The  
 42 reimbursement shall be restricted to the amount of  
 43 moneys appropriated from the general fund of the state  
 44 that is used to pay overtime of state employees  
 45 covered under the patient care bargaining unit for the  
 46 fiscal year beginning July 1, 2001, and ending June  
 47 30, 2002.

48 Sec. 17. HEALTH INSURANCE INCENTIVE PROGRAMS. For  
 49 the fiscal year beginning July 1, 2001, and ending  
 50 June 30, 2002, the department of revenue and finance

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1 shall administer the health insurance incentive  
 2 programs as contained in the collective bargaining  
 3 agreements. The incentive payment shall be  
 4 distributed in the paycheck of an eligible state  
 5 employee if the employee is employed by a central  
 6 state agency. The department of revenue and finance  
 7 shall provide monthly each judicial district  
 8 department of correctional services and the state  
 9 board of regents a list of their employee counts by  
 10 benefit plan that qualify for the incentive and the  
 11 amount of the incentive due. The judicial district  
 12 department of correctional services and the state  
 13 board of regents shall include the amount of the  
 14 incentive payment to their eligible employees'  
 15 paychecks as soon as the payment is administratively  
 16 practical.

17 Sec. 18. REGIONAL LIBRARIES. Of the funds  
 18 appropriated in section 6 of this Act, the following  
 19 amount, or so much thereof as is necessary, shall be  
 20 allocated to the department of management for the  
 21 fiscal year beginning July 1, 2001, and ending June  
 22 30, 2002, to be used as follows:

23 To supplement other funds for salary adjustments  
 24 for employees of regional libraries:  
 25 .....\$ 29,000

26 Sec. 19. Section 19A.32, Code 2001, is amended to  
 27 read as follows:

28 19A.32 WORKERS' COMPENSATION CLAIMS.

29 The director shall employ appropriate staff to  
 30 handle and adjust claims of state employees for  
 31 workers' compensation benefits pursuant to chapters  
 32 85, 85A, 85B, and 86, or with the approval of the  
 33 executive council contract for the services or  
 34 purchase workers' compensation insurance coverage for  
 35 state employees or selected groups of state employees.  
 36 A state employee workers' compensation fund is

37 established to pay state employee workers'  
 38 compensation claims and administrative costs. The  
 39 department shall establish a rating formula and assess  
 40 premiums to all agencies, departments, and divisions  
 41 of the state including those which have not received  
 42 an appropriation for the payment of workers'  
 43 compensation insurance and which operate from moneys  
 44 other than from the general fund of the state. The  
 45 department shall collect the premiums and deposit them  
 46 into the state employee workers' compensation fund.  
 47 Notwithstanding section 8.33, moneys deposited in the  
 48 state employee workers' compensation fund shall not  
 49 revert to the general fund of the state at the end of  
 50 any fiscal year, but shall remain in the state

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1 employee workers' compensation fund and be  
 2 continuously available to pay state employee workers'  
 3 compensation claims. ~~The director of revenue and~~  
 4 ~~finance is authorized and directed to draw warrants on~~  
 5 ~~this fund for the payment of state employee workers'~~  
 6 ~~compensation claims may, to the extent possible,~~  
 7 contract with a private organization to process and  
 8 pay claims for services rendered under provisions of  
 9 this section.

10 Sec. 20. Section 80.8, unnumbered paragraphs 1  
 11 through 3, Code 2001, are amended to read as follows:  
 12 The commissioner of public safety, with the  
 13 approval of the governor, shall appoint such deputies,  
 14 inspectors, officers, clerical workers and other  
 15 employees as may be required to properly discharge the  
 16 duties of this department.  
 17 The commissioner may delegate to the ~~members of the~~  
 18 ~~Iowa state patrol~~ peace officers of the department  
 19 such additional duties in the enforcement of this  
 20 chapter as the commissioner may deem proper and  
 21 incidental to the duties now imposed upon them by law.  
 22 The salaries of all members and employees of the  
 23 department and the expenses of the department shall be  
 24 provided for by the legislative appropriation  
 25 therefor. The compensation of ~~the members of the Iowa~~  
 26 ~~state patrol~~ peace officers of the department shall be  
 27 fixed according to grades as to rank and length of  
 28 service by the commissioner with the approval of the  
 29 governor. ~~The members of the Iowa state patrol~~ peace  
 30 officers shall be paid additional compensation in  
 31 accordance with the following formula: When ~~members~~  
 32 ~~of the Iowa state patrol~~ peace officers have served  
 33 for a period of five years their compensation then  
 34 being paid shall be increased by the sum of twenty-  
 35 five dollars per month beginning with the month

36 succeeding the foregoing described five-year period;  
 37 when ~~members thereof~~ peace officers have served for a  
 38 period of ten years their compensation then being paid  
 39 shall be increased by the sum of twenty-five dollars  
 40 per month beginning with the month succeeding the  
 41 foregoing described ten-year period, such sums being  
 42 in addition to the increase provided herein to be paid  
 43 after five years of service; when ~~members thereof~~  
 44 peace officers have served for a period of fifteen  
 45 years their compensation then being paid shall be  
 46 increased by the sum of twenty-five dollars per month  
 47 beginning with the month succeeding the foregoing  
 48 described fifteen-year period, such sums being in  
 49 addition to the increases previously provided for  
 50 herein; when ~~members thereof~~ peace officers have

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1 served for a period of twenty years their compensation  
 2 then being paid shall be increased by the sum of  
 3 twenty-five dollars per month beginning with the month  
 4 succeeding the foregoing described twenty-year period,  
 5 such sums being in addition to the increases  
 6 previously provided for herein. While on active duty  
 7 each ~~member~~ peace officer shall also receive a flat  
 8 daily sum as fixed by the commissioner with the  
 9 approval of the governor for meals ~~while away from the~~  
 10 ~~office to which the member has been assigned and~~  
 11 ~~within the member's district."~~

TOM FLYNN

### S-3659

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 10, by striking lines 35 through 45 and  
 5 inserting the following:  
 6 "Sec. 109. NEW SECTION. 15F.303A PUBLIC  
 7 ORGANIZATIONS -- COMPETITIVE BIDDING OF PROJECTS.  
 8 A public organization, as defined in section  
 9 15F.302, subsection 2, whose application for financial  
 10 assistance under the program is approved by the board  
 11 shall advertise for sealed bids for the construction  
 12 portion of the proposed project by publishing a notice  
 13 to bidders as provided in this section. The notice to  
 14 bidders may be published more than twenty days but not  
 15 more than forty-five days before the date for filing  
 16 bids.  
 17 1. NOTICE TO BIDDERS. The notice to bidders must  
 18 state the following items:

- 19 a. The time and place for filing sealed proposals.  
20 b. The time and place sealed proposals will be  
21 opened and considered on behalf of the public  
22 organization.  
23 c. The general nature of the project on which bids  
24 are requested.  
25 d. In general terms when the work must be  
26 commenced and when it must be completed.  
27 e. That each bidder shall accompany the bid with a  
28 bid security as prescribed in this paragraph and as  
29 specified by the public organization, as security that  
30 the successful bidder will enter into a contract for  
31 the work bid upon and will furnish after the award of  
32 contract a corporate surety bond, acceptable to the  
33 public organization, for the faithful performance of  
34 the contract, in an amount equal to one hundred  
35 percent of the amount of the contract. The bidder's  
36 security shall be in an amount fixed by the public  
37 organization, and shall be in the form of a cashier's  
38 or certified check drawn on a bank in Iowa or a bank  
39 chartered under the laws of the United States, or a  
40 certified share draft drawn on a credit union in Iowa  
41 or chartered under the laws of the United States, or  
42 the public organization may provide for a bidder's  
43 bond with corporate surety satisfactory to the public  
44 organization. The bid bond shall contain no  
45 conditions except for those provided in this  
46 subsection.  
47 f. Any further information that the public  
48 organization deems pertinent.  
49 The notice to bidders may provide that bids will be  
50 received for the furnishing of all labor and materials

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- 1 and furnishing or installing equipment under one  
2 contract, or for parts thereof in separate sections.  
3 2. **BID SECURITY.** The amount of bid security must  
4 be fixed by the public organization prior to ordering  
5 publication of the notice to bidders and must equal at  
6 least five percent, but may not exceed ten percent of  
7 either the estimated total contract cost of the  
8 construction portion of the project, or the amount of  
9 each bid.  
10 3. **AWARD OF CONTRACT.** The contract for the  
11 construction portion of the project must be awarded to  
12 the lowest responsible bidder. This subsection shall  
13 not be construed to prohibit a public organization in  
14 the award of a contract for the construction portion  
15 of a project from providing, an enhancement of  
16 payments upon early completion of the construction  
17 portion of the project if the availability of the

18 enhancement payments is included in the notice to  
19 bidders, the enhancement payments are competitively  
20 neutral to potential bidders, and the total value of  
21 the enhancement payments does not exceed ten percent  
22 of the value of the contract."

23 2. Page 11, line 37, by striking the figures  
24 "15F.302, 15F.303," and inserting the following: "and  
25 15F.302, enacting section 15F.303A, and amending  
26 sections".

27 3. By renumbering as necessary.

JEFF LAMBERTI

### S-3660

1 Amend House File 746, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 12, by striking lines 8 through 21, and  
4 inserting the following:

5 "Sec. \_\_\_. STATE EMPLOYEE BENEFIT PROGRAMS --  
6 ADMINISTRATIVE COSTS.

7 1. For the fiscal year beginning July 1, 2001, and  
8 ending June 30, 2002, the department of personnel  
9 shall include a monthly administration charge of \$2.00  
10 per contract on all health insurance plans  
11 administered by the department. This is an  
12 administration fee attributable only to the employer  
13 share for those employees who are eligible for the  
14 state share of insurance. If the contract holder is  
15 without a state employer to pay the fee, the contract  
16 holder shall not be assessed the fee of \$2.00 per  
17 month.

18 2. For the fiscal year beginning July 1, 2001, and  
19 ending June 30, 2002, the state board of regents, all  
20 regional libraries, the state fair board, the  
21 department of transportation, and the eight judicial  
22 district departments of correctional services shall  
23 report and remit the administration charge on a  
24 monthly basis to the department of revenue and  
25 finance. The report shall contain the number and type  
26 of health insurance contracts held by each of its  
27 employees whose health insurance is administered by  
28 the department of personnel.

29 3. A health insurance administration fund is  
30 created in the state treasury. The proceeds of the  
31 monthly administration charge shall be remitted to the  
32 health insurance administration fund. The department  
33 of revenue and finance shall collect from each  
34 department on centralized payroll the administration  
35 charge each month and shall remit the amount to the  
36 health insurance administration fund. The department  
37 of personnel may expend no more than \$600,000 from the

38 health insurance administration fund for the fiscal  
39 year beginning July 1, 2001, and ending June 30, 2002.  
40 Any unencumbered or unobligated balance in the health  
41 insurance administration fund at the end of the fiscal  
42 year shall be transferred to the health insurance  
43 surplus fund."

44 2. Page 12, by inserting before line 22, the  
45 following:

46 "Sec. \_\_\_\_ Section 80.8, unnumbered paragraphs 2  
47 and 3, Code 2001, are amended to read as follows:

48 The commissioner may delegate to the ~~members of the~~  
49 ~~Iowa state patrol~~ peace officers of the department  
50 such additional duties in the enforcement of this

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1 chapter as the commissioner may deem proper and  
2 incidental to the duties now imposed upon them by law.  
3 The salaries of all members and employees of the  
4 department and the expenses of the department shall be  
5 provided for by the legislative appropriation  
6 thereof. The compensation of ~~the members of the Iowa~~  
7 ~~state patrol~~ peace officers of the department shall be  
8 fixed according to grades as to rank and length of  
9 service by the commissioner with the approval of the  
10 governor. The ~~members of the Iowa state patrol~~ peace  
11 officers shall be paid additional compensation in  
12 accordance with the following formula: When ~~members~~  
13 ~~of the Iowa state patrol~~ peace officers have served  
14 for a period of five years their compensation then  
15 being paid shall be increased by the sum of twenty-  
16 five dollars per month beginning with the month  
17 succeeding the foregoing described five-year period;  
18 when ~~members thereof~~ peace officers have served for a  
19 period of ten years their compensation then being paid  
20 shall be increased by the sum of twenty-five dollars  
21 per month beginning with the month succeeding the  
22 foregoing described ten-year period, such sums being  
23 in addition to the increase provided herein to be paid  
24 after five years of service; when ~~members thereof~~  
25 peace officers have served for a period of fifteen  
26 years their compensation then being paid shall be  
27 increased by the sum of twenty-five dollars per month  
28 beginning with the month succeeding the foregoing  
29 described fifteen-year period, such sums being in  
30 addition to the increases previously provided for  
31 herein; when ~~members thereof~~ peace officers have  
32 served for a period of twenty years their compensation  
33 then being paid shall be increased by the sum of  
34 twenty-five dollars per month beginning with the month  
35 succeeding the foregoing described twenty-year period,  
36 such sums being in addition to the increases

37 previously provided for herein. While on active duty  
 38 each ~~member peace officer~~ shall also receive a flat  
 39 daily sum as fixed by the commissioner with the  
 40 approval of the governor for meals ~~while away from the~~  
 41 ~~office to which the member has been assigned and~~  
 42 ~~within the member's district."~~

43 3. By striking page 12, line 22, through page 13,  
 44 line 8, and inserting the following:  
 45 "Sec. \_\_\_\_ TERMINAL LIABILITY HEALTH INSURANCE  
 46 SURCHARGE. For the fiscal year beginning July 1,  
 47 2001, and ending June 30, 2002, the department of  
 48 personnel shall include in the rates for the Wellmark  
 49 Blue Cross/Blue Shield Program 3 Plus, Wellmark Blue  
 50 Cross/Blue Shield Program 3 plus with a comprehensive

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1 major medical overlay, and Iowa Select Preferred  
 2 Provider Organization health insurance plans a  
 3 surcharge, as determined by the department of  
 4 management, on only the employer's share of the health  
 5 insurance premium cost to fund the state's share of  
 6 the terminal liability of the existing Wellmark health  
 7 insurance contract. The department of revenue and  
 8 finance shall collect the surcharge from state  
 9 agencies, the state fair board, state board of  
 10 regents, and the eight judicial district departments  
 11 of correctional services. The proceeds of the  
 12 surcharge shall be credited to the terminal liability  
 13 insurance fund. The health insurance plans provided  
 14 to state employees covered by the state police  
 15 officers council collective bargaining agreement are  
 16 exempt from the surcharge provided in this section.  
 17 Sec. \_\_\_\_ NEW SECTION. 421.46 TERMINAL LIABILITY  
 18 HEALTH INSURANCE FUND.

19 1. A terminal liability health insurance fund is  
 20 created in the state treasury under the control of the  
 21 department of personnel. The proceeds of the terminal  
 22 liability health insurance fund shall be used by the  
 23 department of personnel to pay the state's share of  
 24 the terminal liability of the existing health  
 25 insurance contract administered by the department of  
 26 personnel. The moneys appropriated to the terminal  
 27 liability health insurance fund plus any additional  
 28 moneys appropriated or collected pursuant to this Act  
 29 or other Acts of the general assembly shall constitute  
 30 the total amount due to pay the terminal liability  
 31 specified in this section.

32 2. The proceeds of the terminal liability health  
 33 insurance fund shall also be used by the department of  
 34 revenue and finance to reimburse state agencies for  
 35 expenditures related to the payment of the health

36 insurance plans surcharge for the terminal liability  
 37 of the health insurance contract for state employees.  
 38 The department of revenue and finance shall provide  
 39 guidelines and forms for documentation that a state  
 40 agency shall submit for the health insurance  
 41 reimbursement. The reimbursement shall be restricted  
 42 to the amount of moneys appropriated from the general  
 43 fund of the state that is used to pay the terminal  
 44 liability of health insurance for state employees for  
 45 the fiscal year.  
 46 3. Notwithstanding section 8.33, any unencumbered  
 47 or unobligated balance remaining in the terminal  
 48 liability health insurance fund at the close of a  
 49 fiscal year shall not revert. However, upon total  
 50 payment of the terminal liability of the existing

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1 health insurance contract administered by the  
 2 department of personnel, any remaining balance in the  
 3 terminal liability health insurance fund shall revert  
 4 to the credit of the unassigned revenue fund  
 5 administered by the Iowa comprehensive underground  
 6 storage tank fund board."  
 7 4. By renumbering, relettering, or redesignating  
 8 and correcting internal references as necessary.

JEFF LAMBERTI

### S-3661

1 Amend House File 746, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 12, lines 8 through 21, and  
 4 inserting the following:  
 5 "Sec. \_\_\_. STATE EMPLOYEE BENEFIT PROGRAMS --  
 6 ADMINISTRATIVE COSTS.  
 7 1. For the fiscal year beginning July 1, 2001, and  
 8 ending June 30, 2002, the department of personnel  
 9 shall include a monthly administration charge of \$2.00  
 10 per contract on all health insurance plans  
 11 administered by the department. This is an  
 12 administration fee attributable only to the employer  
 13 share for those employees who are eligible for the  
 14 state share of insurance. If the contract holder is  
 15 without a state employer to pay the fee, the contract  
 16 holder shall not be assessed the fee of \$2.00 per  
 17 month.  
 18 2. For the fiscal year beginning July 1, 2001, and  
 19 ending June 30, 2002, the state board of regents, all  
 20 regional libraries, the state fair board, the  
 21 department of transportation, and the eight judicial

22 district departments of correctional services shall  
 23 report and remit the administration charge on a  
 24 monthly basis to the department of revenue and  
 25 finance. The report shall contain the number and type  
 26 of health insurance contracts held by each of its  
 27 employees whose health insurance is administered by  
 28 the department of personnel.

29 3. A health insurance administration fund is  
 30 created in the state treasury. The proceeds of the  
 31 monthly administration charge shall be remitted to the  
 32 health insurance administration fund. The department  
 33 of revenue and finance shall collect from each  
 34 department on centralized payroll the administration  
 35 charge each month and shall remit the amount to the  
 36 health insurance administration fund. The department  
 37 of personnel may expend no more than \$600,000 from the  
 38 health insurance administration fund for the fiscal  
 39 year beginning July 1, 2001, and ending June 30, 2002.  
 40 Any unencumbered or unobligated balance in the health  
 41 insurance administration fund at the end of the fiscal  
 42 year shall be transferred to the health insurance  
 43 surplus fund.

44 Sec. \_\_\_\_ Section 80.8, unnumbered paragraphs 2  
 45 and 3, Code 2001, are amended to read as follows:

46 The commissioner may delegate to the ~~members of the~~  
 47 ~~Iowa state patrol~~ peace officers of the department  
 48 such additional duties in the enforcement of this  
 49 chapter as the commissioner may deem proper and  
 50 incidental to the duties now imposed upon them by law.

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1 The salaries of all members and employees of the  
 2 department and the expenses of the department shall be  
 3 provided for by the legislative appropriation  
 4 therefor. The compensation of the ~~members of the Iowa~~  
 5 ~~state patrol~~ peace officers of the department shall be  
 6 fixed according to grades as to rank and length of  
 7 service by the commissioner with the approval of the  
 8 governor. The ~~members of the Iowa state patrol~~ peace  
 9 officers shall be paid additional compensation in  
 10 accordance with the following formula: When ~~members~~  
 11 ~~of the Iowa state patrol~~ peace officers have served  
 12 for a period of five years their compensation then  
 13 being paid shall be increased by the sum of twenty-  
 14 five dollars per month beginning with the month  
 15 succeeding the foregoing described five-year period;  
 16 when ~~members thereof~~ peace officers have served for a  
 17 period of ten years their compensation then being paid  
 18 shall be increased by the sum of twenty-five dollars  
 19 per month beginning with the month succeeding the  
 20 foregoing described ten-year period, such sums being

21 in addition to the increase provided herein to be paid  
 22 after five years of service; when ~~members thereof~~  
 23 peace officers have served for a period of fifteen  
 24 years their compensation then being paid shall be  
 25 increased by the sum of twenty-five dollars per month  
 26 beginning with the month succeeding the foregoing  
 27 described fifteen-year period, such sums being in  
 28 addition to the increases previously provided for  
 29 herein; when ~~members thereof~~ peace officers have  
 30 served for a period of twenty years their compensation  
 31 then being paid shall be increased by the sum of  
 32 twenty-five dollars per month beginning with the month  
 33 succeeding the foregoing described twenty-year period,  
 34 such sums being in addition to the increases  
 35 previously provided for herein. While on active duty  
 36 each ~~member~~ peace officer shall also receive a flat  
 37 daily sum as fixed by the commissioner with the  
 38 approval of the governor for meals ~~while away from the~~  
 39 ~~office to which the member has been assigned and~~  
 40 ~~within the member's district."~~  
 41 2. By renumbering as necessary.

TOM FLYNN  
 JEFF LAMBERTI

## S-3662

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 10, by striking lines 35 through 45 and  
 5 inserting the following:  
 6 "Sec. 109. NEW SECTION. 15F.303A PUBLIC  
 7 ORGANIZATIONS -- COMPETITIVE BIDDING OF PROJECTS.  
 8 A public organization, as defined in section  
 9 15F.302, subsection 2, whose application for financial  
 10 assistance under the program is approved by the board  
 11 shall advertise for sealed bids for the construction  
 12 portion of the proposed project by publishing a notice  
 13 to bidders as provided in this section. The notice to  
 14 bidders shall be published in a newspaper of general  
 15 circulation in the county where the construction is to  
 16 be performed not less than twenty days but not more  
 17 than forty-five days before the date for filing bids.  
 18 1. NOTICE TO BIDDERS. The notice to bidders must  
 19 state the following items:  
 20 a. The time and place for filing sealed proposals.  
 21 b. The time and place sealed proposals will be  
 22 opened and considered on behalf of the public  
 23 organization.  
 24 c. The general nature of the project on which bids  
 25 are requested.

26 d. In general terms when the work must be  
27 commenced and when it must be completed.  
28 e. That each bidder shall accompany the bid with a  
29 bid security as prescribed in this paragraph and as  
30 specified by the public organization, as security that  
31 the successful bidder will enter into a contract for  
32 the work bid upon and will furnish after the award of  
33 contract a corporate surety bond, acceptable to the  
34 public organization, for the faithful performance of  
35 the contract, in an amount equal to one hundred  
36 percent of the amount of the contract. The bidder's  
37 security shall be in an amount fixed by the public  
38 organization, and shall be in the form of a cashier's  
39 or certified check drawn on a bank in Iowa or a bank  
40 chartered under the laws of the United States, or a  
41 certified share draft drawn on a credit union in Iowa  
42 or chartered under the laws of the United States, or  
43 the public organization may provide for a bidder's  
44 bond with corporate surety satisfactory to the public  
45 organization. The bid bond shall contain no  
46 conditions except for those provided in this  
47 subsection.  
48 f. Any further information that the public  
49 organization deems pertinent.  
50 The notice to bidders may provide that bids will be

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1 received for the furnishing of all labor and materials  
2 and furnishing or installing equipment under one  
3 contract, or for parts thereof in separate sections.  
4 2. BID SECURITY. The amount of bid security must  
5 be fixed by the public organization prior to ordering  
6 publication of the notice to bidders and must equal at  
7 least five percent, but may not exceed ten percent of  
8 either the estimated total contract cost of the  
9 construction portion of the project, or the amount of  
10 each bid.  
11 3. AWARD OF CONTRACT. The contract for the  
12 construction portion of the project must be awarded to  
13 the lowest responsible bidder. This subsection shall  
14 not be construed to prohibit a public organization in  
15 the award of a contract for the construction portion  
16 of a project from providing, an enhancement of  
17 payments upon early completion of the construction  
18 portion of the project if the availability of the  
19 enhancement payments is included in the notice to  
20 bidders, the enhancement payments are competitively  
21 neutral to potential bidders, and the total value of  
22 the enhancement payments does not exceed ten percent  
23 of the value of the contract."  
24 2. Page 11, line 37, by striking the figures

25 "15F.302, 15F.303," and inserting the following: "and  
 26 15F.302, enacting section 15F.303A, and amending  
 27 sections".  
 28 3. By renumbering as necessary.

JEFF LAMBERTI

**S-3663**

1 Amend House File 755, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by striking lines 24 through 34.

TOM FLYNN  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 THOMAS FIEGEN  
 MARK SHEARER  
 STEVEN D. HANSEN  
 MICHAEL E. GRONSTAL  
 DENNIS H. BLACK  
 ROBERT E. DVORSKY  
 MATT McCOY  
 BILL FINK  
 JOHN P. KIBBIE  
 JOE BOLKCOM  
 BETTY A. SOUKUP  
 WALLY E. HORN  
 EUGENE S. FRAISE

**S-3664**

1 Amend House File 755, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 9, by inserting after line 33 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Notwithstanding the requirement in  
 6 section 9.6, that the secretary of state publish in  
 7 odd-numbered years the Iowa official register, the  
 8 secretary of state shall not publish the Iowa official  
 9 register in the 2001 calendar year. Any references in  
 10 the Code to the distribution and contents of the Iowa  
 11 official register shall not apply to the 2001 and 2002  
 12 calendar years. The next publication of the Iowa  
 13 official register shall be in the 2003 calendar year."

STEVEN D. HANSEN

**S-3665**

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 13 through 28.

MIKE CONNOLLY  
 THOMAS FIEGEN  
 MARK SHEARER  
 JACK HOLVECK  
 MICHAEL E. GRONSTAL  
 STEVEN D. HANSEN  
 ROBERT E. DVORSKY  
 MATT McCOY  
 PATRICIA HARPER  
 JOHN P. KIBBIE  
 JOHNIE HAMMOND  
 WALLY E. HORN  
 EUGENE S. FRAISE

**S-3666**

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 3, line 35 through page 4,
- 4 line 6.

BILL FINK  
 JOE BOLKCOM  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 TOM FLYNN  
 THOMAS FIEGEN  
 MARK SHEARER  
 JACK HOLVECK  
 DENNIS H. BLACK  
 JOHN P. KIBBIE  
 BETTY A. SOUKUP  
 MICHAEL E. GRONSTAL  
 ROBERT E. DVORSKY  
 MATT McCOY  
 PATRICIA HARPER  
 JOHNIE HAMMOND  
 WALLY E. HORN  
 EUGENE S. FRAISE

**S-3667**

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 29 through 35.

MATT McCOY  
 JACK HOLVECK  
 PATRICIA HARPER  
 JOHNIE HAMMOND  
 BILL FINK  
 JOE BOLKCOM  
 MIKE CONNOLLY  
 PATRICK J. DELUHERY  
 TOM FLYNN  
 THOMAS FIEGEN  
 MARK SHEARER  
 JOHN P. KIBBIE  
 DENNIS H. BLACK  
 BETTY A. SOUKUP  
 MICHAEL E. GRONSTAL  
 ROBERT E. DVORSKY  
 EUGENE S. FRAISE  
 WALLY E. HORN  
 STEVEN D. HANSEN

**S-3668**

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 14 through 23.

PATRICIA HARPER  
 JOHNIE HAMMOND  
 MATT McCOY  
 JACK HOLVECK  
 MARK SHEARER  
 THOMAS FIEGEN  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 JOE BOLKCOM  
 BILL FINK  
 JOHN P. KIBBIE  
 BETTY A. SOUKUP  
 WALLY E. HORN  
 EUGENE S. FRAISE

**S-3669**

- 1 Amend House File 755, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 7 through 14.

JOE BOLKCOM  
 MIKE CONNOLLY  
 PATRICK J. DELUHERY  
 THOMAS FIEGEN

MARK SHEARER  
 JACK HOLVECK  
 BETTY A. SOUKUP  
 ROBERT E. DVORSKY  
 MATT McCOY  
 PATRICIA HARPER  
 MICHAEL E. GRONSTAL  
 STEVEN D. HANSEN  
 JOHN P. KIBBIE  
 JOHNIE HAMMOND  
 WALLY E. HORN

**S-3670**

- 1 Amend House File 755, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by striking lines 1 through 13.

MARK SHEARER  
 JACK HOLVECK  
 PATRICIA HARPER  
 BILL FINK  
 JOE BOLKCOM  
 MIKE CONNOLLY  
 PATRICK J. DELUHERY  
 JOHN P. KIBBIE  
 THOMAS FIEGEN  
 JOHNIE HAMMOND  
 BETTY A. SOUKUP  
 MICHAEL E. GRONSTAL  
 WALLY E. HORN  
 EUGENE S. FRAISE

**S-3671**

- 1 Amend House File 755, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 28, by inserting after line 19, the  
 4 following:  
 5 "DIVISION \_\_\_\_  
 6 Sec. \_\_\_\_ NEW SECTION. 231.61 SENIOR  
 7 PHARMACEUTICAL ASSISTANCE PROGRAM ESTABLISHED.  
 8 1. For the purposes of this section, unless the  
 9 context otherwise requires:  
 10 a. "Eligible person" means a person, sixty-five  
 11 years of age or older, with an annual net income of  
 12 not more than two hundred fifty percent of the federal  
 13 poverty level, as defined by the most recent poverty  
 14 income guidelines published by the United States  
 15 department of health and human services; or a person,  
 16 sixty-five years of age or older, who with the

17 person's spouse has an annual net income of not more  
18 than two hundred fifty percent of the federal poverty  
19 level, as defined by the most recent poverty income  
20 guidelines published by the United States department  
21 of health and human services. "Eligible person" does  
22 not include a person who is eligible for financial  
23 assistance for the purchase of prescription drugs  
24 under another local, state, or federal program to the  
25 extent that the other program provides financial  
26 assistance for the purchase of prescription drugs.

27 b. "Prescription drug" means a prescription drug  
28 as defined in section 155A.3.

29 c. "Program" means the senior pharmaceutical  
30 assistance program established in this section.

31 2. A senior pharmaceutical assistance program is  
32 established within the department to provide for  
33 subsidization of the prescription drug costs of  
34 eligible persons. The program shall be administered  
35 through the area agencies on aging.

36 3. The commission shall adopt rules to implement  
37 this section. The rules shall provide for all of the  
38 following:

39 a. A means to determine the eligibility of a  
40 person, including proof of the person's actual and  
41 anticipated annual net income, evidence of complete or  
42 partial payment for the costs of prescription drugs  
43 from a provider other than the program, and other  
44 provisions consistent with this section.

45 b. The program application form. An initial  
46 application shall be accompanied by proof of the date  
47 of birth of the person.

48 c. Issuance by the department of a participation  
49 card, upon approval of an application. The card shall  
50 act as a form of identification for a person to use in

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1 proving eligibility.

2 d. Prescription copayment and deductible amount.

3 e. Pharmacist case management.

4 4. In establishing copayment and deductible  
5 amounts, the goal of the commission shall be to  
6 provide a benefit to the greatest number of eligible  
7 persons. The department may negotiate group discounts  
8 or utilize other methods to reduce the cost of  
9 prescription drugs provided under the program.

10 5. The department shall establish a pharmaceutical  
11 assistance education program to provide information  
12 regarding options for pharmaceutical assistance. The  
13 pharmaceutical assistance education program shall be  
14 provided through the area agencies on aging.

15 Sec. \_\_\_\_. APPROPRIATION. There is appropriated

16 from the general fund of the state to the department  
 17 of elder affairs for the fiscal year beginning July 1,  
 18 2001, and ending June 30, 2002, the following amount,  
 19 or so much thereof as is necessary, for the purpose  
 20 designated:

21 For the senior pharmaceutical assistance program  
 22 and the pharmaceutical assistance education program  
 23 established pursuant to section 231.61:  
 24 .....\$ 5,000,000"  
 25 2. By renumbering as necessary.

JACK HOLVECK  
 JOHN P. KIBBIE  
 PATRICIA HARPER  
 JOHNIE HAMMOND  
 MARK SHEARER  
 BILL FINK  
 BETTY A. SOUKUP  
 MICHAEL E. GRONSTAL  
 WALLY E. HORN  
 EUGENE S. FRAISE

**S-3672**

1 Amend House File 755, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 28, by inserting after line 19, the  
 4 following:  
 5 "DIVISION \_\_\_\_  
 6 HEALTH COVERAGE COSTS -- MENTAL HEALTH AND  
 7 SUBSTANCE ABUSE TREATMENT  
 8 Sec. \_\_\_\_ NEW SECTION. 514C.21 MENTAL HEALTH AND  
 9 SUBSTANCE ABUSE TREATMENT COVERAGE.  
 10 1. Notwithstanding the uniformity of treatment  
 11 requirements of section 514C.6, a group policy or  
 12 contract providing for third-party payment or  
 13 prepayment of health or medical expenses shall provide  
 14 mental health and substance abuse treatment coverage  
 15 benefits and shall not impose limitations on financial  
 16 terms for coverage of services for serious mental  
 17 illnesses or substance abuse if similar limitations  
 18 are not imposed on the coverage benefits for services  
 19 for medical or surgical conditions.  
 20 2. For purposes of this section, unless the  
 21 context otherwise requires:  
 22 a. "Serious mental illness" means the following  
 23 disorders, as defined by the American psychiatric  
 24 association's diagnostic and statistical manual of  
 25 mental disorders:  
 26 (1) Schizophrenia.  
 27 (2) Schizo-affective disorder.  
 28 (3) Bipolar disorder.

- 29 (4) Major depressive disorder.  
30 (5) Obsessive-compulsive disorder.  
31 (6) Autism.  
32 (7) Pervasive developmental disorders.  
33 (8) Anxiety disorders.  
34 (9) Paranoia and other psychotic disorders.  
35 (10) Eating disorders, including but not limited  
36 to bulimia nervosa and anorexia nervosa.  
37 b. "Substance abuse" means a pattern of  
38 pathological use of alcohol or a drug that causes  
39 impairment in social or occupational functioning, or  
40 that produces physiological dependency evidenced by  
41 physical tolerance or by physical symptoms when the  
42 alcohol or drug is withdrawn.  
43 3. This section shall not apply to accident-only,  
44 specific disease, short-term hospital or medical,  
45 hospital confinement indemnity, credit, dental,  
46 vision, Medicare supplement, long-term care, basic  
47 hospital and medical-surgical expense coverage as  
48 defined by the commissioner, disability income  
49 insurance coverage, coverage issued as a supplement to  
50 liability insurance, workers' compensation or similar

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- 1 insurance, automobile medical payment insurance, or  
2 individual accident or sickness policies issued  
3 pursuant to chapter 513C.  
4 4. A third-party payor may manage the benefits  
5 provided through common methods including, but not  
6 limited to, providing payment of benefits or providing  
7 care and treatment under a capitated payment system,  
8 prospective reimbursement rate system, utilization  
9 control system, incentive system for the use of least  
10 restrictive and least costly levels of care, a  
11 preferred provider contract limiting choice of  
12 specific provider, or any other system, method, or  
13 organization designed to ensure services are medically  
14 necessary and clinically appropriate.  
15 5. A group policy or contract covered under this  
16 section, at a minimum, shall provide for thirty  
17 inpatient and sixty outpatient days annually. The  
18 policy or contract may also include deductibles,  
19 coinsurance, or copayments if such deductibles,  
20 coinsurance, or copayments are applicable to other  
21 medical or surgical services coverage under the policy  
22 or contract. It is not a violation of this section if  
23 the policy or contract excludes entirely from coverage  
24 benefits the cost of providing the following:  
25 a. Marital, family, educational, developmental, or  
26 training services.  
27 b. Care that is substantially custodial in nature.

- 28 c. Services and supplies that are not medically  
 29 necessary or clinically appropriate.  
 30 d. Experimental treatments.  
 31 6. The commissioner, by rule, shall increase the  
 32 mental health and substance abuse treatment lifetime  
 33 limit in the individual market guaranteed standard  
 34 product to one hundred thousand dollars.  
 35 7. A group policy is exempt from this section upon  
 36 submitting to the commissioner evidence demonstrating  
 37 a premium increase for the policy term in excess of  
 38 three percent as a result of the requirements of this  
 39 section.  
 40 8. This section applies to third-party payment  
 41 provider contracts or policies delivered, issued for  
 42 delivery, continued, or renewed in this state on or  
 43 after January 1, 2002.  
 44 9. This section is repealed effective July 1,  
 45 2004."  
 46 2. By renumbering as necessary.

PATRICK J. DELUHERY  
 JOHN P. KIBBIE  
 MIKE CONNOLLY  
 JOE BOLKCOM  
 BILL FINK  
 JOHNIE HAMMOND  
 PATRICIA HARPER  
 MATT McCOY  
 ROBERT E. DVORSKY  
 MICHAEL E. GRONSTAL  
 BETTY A. SOUKUP  
 DENNIS H. BLACK  
 JACK HOLVECK  
 MARK SHEARER  
 THOMAS FIEGEN  
 STEVEN D. HANSEN  
 WALLY E. HORN  
 EUGENE S. FRAISE

### S-3673

- 1 Amend House File 577, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, lines 24 and 25, by striking the words  
 4 "or for the lease of,".  
 5 2. Page 1, lines 26 and 27, by striking the words  
 6 "or nameplate capacity of the facility leased".  
 7 3. Page 2, line 8, by inserting after the word  
 8 "generation." the following: "The rate-regulated  
 9 public utility shall also demonstrate to the board  
 10 that it has considered other sources for long-term  
 11 electric supply, and that the power purchase contract

12 is reasonable when compared to other feasible  
13 alternative sources of supply including the building  
14 of utility-owned generation. The board may condition  
15 its approval upon the utility and the successful  
16 bidder agreeing to contract modifications identified  
17 by the board."

18 4. Page 2, by inserting after line 21 the  
19 following:

20 "Sec. \_\_\_\_ Section 476.6, Code 2001, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 16B. ELECTRIC POWER GENERATING  
23 FACILITY EMISSIONS.

24 a. It is the intent of the general assembly that  
25 the state, through a collaborative effort involving  
26 state agencies and affected generation owners, provide  
27 for compatible statewide environmental and electric  
28 energy policies with respect to regulated emissions  
29 from rate-regulated electric power generating  
30 facilities in the state that are fueled by coal. Each  
31 rate-regulated public utility that is an owner of one  
32 or more electric power generating facilities fueled by  
33 coal and located in this state on June 1, 2001, shall  
34 develop a multiyear plan and budget for managing  
35 regulated emissions from its facilities in a cost-  
36 effective manner.

37 (1) The initial multiyear plan and budget shall be  
38 filed with the board by April 1, 2002. Updates to the  
39 plan and budget shall be filed at least every twenty-  
40 four months.

41 (2) Copies of the initial plan and budget, as well  
42 as any subsequent updates, shall be served on the  
43 environmental protection division of the department of  
44 natural resources.

45 (3) The initial multiyear plan and budget and any  
46 subsequent updates shall be considered in a contested  
47 case proceeding pursuant to chapter 17A. The  
48 environmental protection division of the department of  
49 natural resources and the consumer advocate shall  
50 participate as parties to the proceeding.

Page 2

1 (4) The department of natural resources shall  
2 state whether the plan or update meets applicable  
3 state environmental requirements for regulated  
4 emissions. If the plan does not meet these  
5 requirements, the department shall recommend  
6 amendments that outline actions necessary to bring the  
7 plan or update into compliance with the environmental  
8 requirements.

9 b. The board shall not approve a plan or update  
10 that does not meet applicable state environmental

11 requirements and ambient air quality standards for  
 12 regulated emissions from electric power generating  
 13 facilities located in the state.

14 c. The board shall review the plan or update and  
 15 the associated budget, and shall approve the plan or  
 16 update and the associated budget if the plan or update  
 17 and the associated budget are reasonably expected to  
 18 achieve cost effective compliance with applicable  
 19 state environmental requirements and federal ambient  
 20 air quality standards. In reaching its decision, the  
 21 board shall consider whether the plan or update and  
 22 the associated budget reasonably balance costs,  
 23 environmental requirements, economic development  
 24 potential, and the reliability of the electric  
 25 generation and transmission system.

26 d. The board shall issue an order approving or  
 27 rejecting a plan, update, or budget within one hundred  
 28 eighty days after the public utility's filing is  
 29 deemed complete; however, upon good cause shown, the  
 30 board may extend the time for issuing the order as  
 31 follows:

32 (1) The board may grant an extension of thirty  
 33 days.

34 (2) The board may grant more than one extension,  
 35 but each extension must rely upon a separate showing  
 36 of good cause.

37 (3) A subsequent extension must not be granted any  
 38 earlier than five days prior to the expiration of the  
 39 original one-hundred-eighty-day period, or the current  
 40 extension.

41 e. The reasonable costs incurred by a rate-  
 42 regulated public utility in preparing and filing the  
 43 plan, update, or budget and in participating in the  
 44 proceedings before the board and the reasonable costs  
 45 associated with implementing the plan, update, or  
 46 budget shall be included in its regulated retail  
 47 rates.

48 f. It is the intent of the general assembly that  
 49 the board, in an environmental plan, update, or  
 50 associated budget filed under this section by a rate-

Page 3

1 regulated public utility, may limit investments or  
 2 expenditures that are proposed to be undertaken prior  
 3 to the time that the environmental benefit to be  
 4 produced by the investment or expenditure would be  
 5 required by state or federal law."

6 5. By striking page 2, line 35, through page 3,  
 7 line 34.

8 6. Page 4, by striking lines 1 and 2 and  
 9 inserting the following: "application pursuant to

10 section 476A.3 to construct in Iowa a baseload  
 11 electric power generating facility with a nameplate  
 12 generating capacity equal to or greater than three  
 13 hundred megawatts or a combined-cycle electric power  
 14 generating facility, or an alternate energy production  
 15 facility as defined in section 476.42, or if a rate-  
 16 regulated public utility leases or owns in Iowa, in  
 17 whole or in part, a new baseload electric power  
 18 generating facility with a nameplate generating  
 19 capacity equal to or greater than three hundred  
 20 megawatts or a combined-cycle electric power  
 21 generating facility, or a new alternate energy  
 22 production facility as defined in section 476.42 the  
 23 board shall specify in".

24 7. Page 4, by inserting after line 8 the  
 25 following:

26 "\_\_\_\_. In determining the applicable ratemaking  
 27 principles, the board shall make the following  
 28 findings:

29 (1) The rate-regulated public utility has  
 30 demonstrated to the board that the proposed ratemaking  
 31 principles are necessary for the commitment of capital  
 32 to the new facility.

33 (2) The rate-regulated public utility has in  
 34 effect cost-effective load management and curtailment  
 35 programs designed to reduce peak loads.

36 (3) The rate-regulated public utility has in  
 37 effect a board-approved energy efficiency plan as  
 38 required under section 476.6, subsection 19.

39 (4) The rate-regulated public utility has  
 40 demonstrated to the board that the public utility has  
 41 considered other sources for long-term electric supply  
 42 and that the facility or lease is reasonable when  
 43 compared to other feasible alternative sources of  
 44 supply. The rate-regulated public utility may satisfy  
 45 the requirements of this subparagraph through a  
 46 competitive bidding process, under rules adopted by  
 47 the board, that demonstrate the facility or lease is a  
 48 reasonable alternative to meet its electric supply  
 49 needs."

50 8. Page 4, line 15, by inserting after the word

Page 4

1 "construction" the following: "or lease".

2 9. Page 4, line 18, by inserting after the word

3 "construction" the following: "or lease".

4 10. By renumbering, relettering, redesignating,  
 5 and correcting internal references as necessary.

**S-3674**

- 1 Amend House File 755, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 15, line 2, by striking the figure "2001"  
4 and inserting the following: "2000".  
5 2. Page 15, line 5, by striking the figure "2001"  
6 and inserting the following: "2000".  
7 3. Page 15, line 13, by striking the figure  
8 "2002" and inserting the following: "2001".

JOANN JOHNSON

**S-3675**

- 1 Amend House File 746, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 6, line 10, by striking the figure  
4 "46,770,200" and inserting the following:  
5 "63,900,000".  
6 2. Page 8, by striking lines 16 and 17 and  
7 inserting the following:  
8 "Sec. 8. STATE EMPLOYEES -- STATE BOARD OF  
9 REGENTS. Of the funds appropriated in section 6 of  
10 this Act, \$43,792,434 shall be".  
11 3. Page 10, by striking line 6 and inserting the  
12 following: "state except for employees of the state  
13 board of regents. The funds appropriated from the  
14 general fund of the state for employees of the state  
15 board of regents shall exclude general university  
16 indirect costs and general university federal funds."

ROBERT E. DVORSKY  
JOE BOLKCOM  
JOHNIE HAMMOND  
PATRICIA HARPER

**S-3676**

- 1 Amend the amendment, S-3613, to House File 742, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 7, line 26, by inserting after the word  
5 "technology" the following: ", notwithstanding  
6 section 8.57, subsection 5, paragraph "c", and section  
7 12E.12, subsection 1, paragraph "b", subparagraph (1),  
8 as enacted by 2001 Iowa Acts, Senate File 532, if  
9 enacted".  
10 2. Page 7, line 31, by inserting after the word  
11 "television" the following: ", notwithstanding  
12 section 8.57, subsection 5, paragraph "c", and section

13 12E.12, subsection 1, paragraph "b", subparagraph (1),  
 14 as enacted by 2001 Iowa Acts, Senate File 532, if  
 15 enacted".

MICHAEL E. GRONSTAL

**S-3677**

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the house, as  
 3 follows:  
 4 1. Page 3, by striking lines 14 through 17 and  
 5 inserting the following:  
 6 "(1) Of the amount appropriated in this paragraph  
 7 "a", up to \$375,000 may be used for costs associated  
 8 with project management services in the division of  
 9 design and construction of the department,  
 10 notwithstanding section 8.57, subsection 5, paragraph  
 11 "c"."

JOHN W. JENSEN

**S-3678**

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 11, line 32, by striking the word "'Sec.  
 5 \_\_\_." and inserting the following:  
 6 "'Sec. \_\_\_\_ USE OF TAX-EXEMPT BOND PROCEEDS --  
 7 REIMBURSEMENT.  
 8 1. Notwithstanding any provision of law to the  
 9 contrary, moneys deposited in the tax-exempt bond  
 10 proceeds restricted capital funds account of the  
 11 tobacco settlement trust fund that are subject to an  
 12 appropriation pursuant to section 12E.10, subsection  
 13 1, paragraph "b", as amended by 2001 Iowa Acts, Senate  
 14 File 532, if enacted, shall remain in the tax-exempt  
 15 bond proceeds restricted capital funds account until  
 16 such time as costs are properly incurred and due for  
 17 the purpose for which the appropriation was made.  
 18 Payments for such properly incurred costs shall be  
 19 made consistent with the requirements of federal law,  
 20 chapter 12E, as amended by 2001 Iowa Acts, Senate File  
 21 532, if enacted, and the sales agreement, as defined  
 22 in section 12E.2.  
 23 2. Until bond proceeds are received by the tobacco  
 24 settlement authority and deposited in the tax-exempt  
 25 bond proceeds restricted capital funds account of the  
 26 tobacco settlement trust fund, payments for costs  
 27 incurred for projects for which appropriations are

28 made in section 504 of this division of this Act may  
 29 be made from the rebuild Iowa infrastructure fund.  
 30 Upon receipt of bond proceeds and deposit of the  
 31 proceeds in the tax-exempt bond proceeds restricted  
 32 capital funds account, such payments shall be  
 33 reimbursed to the rebuild Iowa infrastructure fund  
 34 from the tax-exempt bond proceeds restricted capital  
 35 funds account, subject, however, to any applicable  
 36 limitations on the use of the proceeds as provided in  
 37 the Internal Revenue Code and this Act.

38 Sec. \_\_\_\_."

39 2. By renumbering as necessary.

JEFF LAMBERTI

**S-3679**

1 Amend House File 755, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 21 the  
 4 following:

5 "Sec. \_\_\_\_ DEPARTMENT OF EDUCATION. There is  
 6 appropriated from the general fund of the state to the  
 7 department of education for the fiscal year beginning  
 8 July 1, 2001, and ending June 30, 2002, the following  
 9 amounts, or so much thereof as is necessary, to be  
 10 used for the purposes designated:

11 1. AMERICORPS AFTER-SCHOOL INITIATIVE

12 For purposes of the americorps after-school  
 13 initiative:

14 ..... \$ 150,000

15 2. JOBS FOR AMERICA'S GRADUATES

16 For school districts to provide direct services to  
 17 the most at-risk senior high school students enrolled  
 18 in school districts through direct intervention for a  
 19 "jobs for America's graduates" specialist:

20 ..... \$ 150,000

21 Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES. There is

22 appropriated from the general fund of the state to the  
 23 department of human services for the fiscal year  
 24 beginning July 1, 2001, and ending June 30, 2002, the  
 25 following amount, or so much thereof as is necessary,  
 26 to be used for the purpose designated:

27 To supplement the appropriation made in 2001 Iowa  
 28 Acts, House File 732, if enacted, for general  
 29 administration, including salaries, support,  
 30 maintenance, and miscellaneous purposes:

31 ..... \$ 2,000,000"

JEFF LAMBERTI

**S-3680**

1 Amend House File 755, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 16, by inserting before line 12, the  
4 following:  
5 "Sec. 200. 2001 Iowa Acts, House File 259, shall  
6 not take effect July 1, 2001, but shall take effect  
7 January 1, 2002.  
8 Sec. \_\_\_\_ EFFECTIVE DATE. Section 200 of this  
9 division of this Act, being deemed of immediate  
10 importance, takes effect upon enactment."

JEFF LAMBERTI

**S-3681**

1 Amend House File 755, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 6, line 14, by striking the words  
4 "TUITION REPLACEMENT" and inserting the following:  
5 "PAYMENTS IN LIEU OF TUITION".  
6 2. Page 6, line 15, by striking the words  
7 "TUITION REPLACEMENT" and inserting the following:  
8 "PAYMENTS IN LIEU OF TUITION".  
9 3. Page 6, line 33, by striking the words  
10 "TUITION REPLACEMENT" and inserting the following:  
11 "PAYMENTS IN LIEU OF TUITION".  
12 4. Page 7, by striking lines 11 through 14 and  
13 inserting the following: "technology, and the  
14 university of northern Iowa to finance or pay debt  
15 service to pay debt to finance the cost of".  
16 5. Page 7, line 16, by striking the words "and  
17 utility services".  
18 6. Page 9, line 19, by inserting after the figure  
19 "12E.9." the following: "Payment of moneys from the  
20 appropriations in this division of this Act shall be  
21 made in a manner that does not adversely affect the  
22 tax-exempt status of any outstanding bonds issued by  
23 the tobacco settlement authority."

JEFF LAMBERTI

**S-3682**

1 Amend House File 755, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 13, by inserting after line 21, the  
4 following:  
5 "Sec. \_\_\_\_ Section 301.1, unnumbered paragraph 2,  
6 Code 2001, is amended by striking the unnumbered

7 paragraph and inserting in lieu thereof the following:  
8 Textbooks adopted and purchased by a school  
9 district shall, to the extent funds are appropriated  
10 by the general assembly, be made available to pupils  
11 attending accredited nonpublic schools. The  
12 department of education shall ascertain a maximum  
13 annual amount a school district shall be required to  
14 use for the purchase of textbooks for accredited  
15 nonpublic schools. The amount shall be in the  
16 proportion that the basic enrollment of an accredited  
17 nonpublic school bears to the sum of the basic  
18 enrollments of all participating accredited nonpublic  
19 schools in the state for the budget year. An  
20 accredited nonpublic school shall certify its actual  
21 enrollment to the department of education by October  
22 1, annually. By October 15, annually, the department  
23 of education shall notify the board of directors of  
24 each school district of the maximum amount of its  
25 allocation that shall be made available for purchasing  
26 nonsectarian, nonreligious textbooks for each of the  
27 accredited nonpublic schools located within the school  
28 district in accordance with this paragraph. For  
29 purposes of this paragraph, an accredited nonpublic  
30 school's enrollment count shall include only students  
31 who are residents of Iowa. The costs of providing  
32 textbooks to accredited nonpublic schools as provided  
33 in this paragraph shall not be included in the  
34 computation of district cost under chapter 257, but  
35 shall be shown in the budget as an expense from  
36 miscellaneous income. Textbook expenditures made in  
37 accordance with this paragraph shall be kept on file  
38 in the school district. As used in this paragraph,  
39 "textbooks" means books and loose-leaf or bound  
40 manuals, systems of reusable instructional materials  
41 or combinations of books and supplementary  
42 instructional materials which convey information to  
43 the student or otherwise contribute to the learning  
44 process, or electronic textbooks, including but not  
45 limited to computer software, applications using  
46 computer-assisted instruction, interactive videodisc,  
47 and other computer courseware and magnetic media."  
48 2. Page 16, by inserting after line 11, the  
49 following:

50 "Sec. \_\_\_\_. Section 301.30, Code 2001, is

Page 2

1 repealed."

TOM FLYNN  
KITTY REHBERG  
JERRY BEHN  
KEN VEENSTRA  
JEFF LAMBERTI

**S-3683**

1 Amend House File 755, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 9, by inserting after line 21 the  
4 following:  
5 "Sec. \_\_\_\_\_. Notwithstanding the requirement in  
6 section 9.6, that the secretary of state publish in  
7 odd-numbered years the Iowa official register, the  
8 secretary of state shall not publish the Iowa official  
9 register in the 2001 calendar year. Any references in  
10 the Code to the distribution and contents of the Iowa  
11 official register shall not apply to the 2001 and 2002  
12 calendar years."

STEVEN D. HANSEN

**S-3684**

1 Amend House File 755, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 13, by inserting after line 21 the  
4 following:  
5 "Sec. \_\_\_\_\_. NEW SECTION. 321.116A FUEL-EFFICIENT  
6 VEHICLES.  
7 For a motor vehicle that has a fuel economy rating  
8 of at least thirty-three miles per gallon on the  
9 highway, as determined by the United States  
10 environmental protection agency, the annual  
11 registration fee is sixty-five dollars. However, if a  
12 motor vehicle with such a fuel economy rating is more  
13 than five model years old, the annual registration fee  
14 shall be reduced by five dollars for each year the  
15 motor vehicle exceeds the five-year mark until the  
16 annual fee reaches ten dollars."

STEVEN D. HANSEN

**S-3685**

1 Amend the amendment, S-3673, to House File 577, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 4, by striking the word "or" and  
5 inserting the following: ", or".  
6 2. Page 3, by striking lines 29 through 35.  
7 3. Page 3, line 36, by striking the figure "(3)"  
8 and inserting the following: "(1)".  
9 4. Page 3, line 39, by striking the figure "(4)"  
10 and inserting the following: "(2)".  
11 5. Page 4, by inserting after line 3 the

12 following:

- 13 "\_\_\_\_. Page 5, by striking lines 17 and 18, and  
 14 inserting the following: "available technology and  
 15 the economics of available alternatives."  
 16 6. By renumbering as necessary.

JOANN JOHNSON

**S-3686**

- 1 Amend House File 577, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. NEW SECTION. 476A.20 DEFINITIONS.  
 6 For purposes of this subchapter, unless the context  
 7 otherwise requires:  
 8 1. "Electric power agency" means an entity as  
 9 defined in section 28F.2.  
 10 2. "Facility" means an electric power generating  
 11 plant, or transmission line or system, as defined in  
 12 section 476A.1.  
 13 3. "Public bond or obligation" means an obligation  
 14 as defined in section 76.14.  
 15 Sec. 2. NEW SECTION. 476A.21 ELECTRIC POWER  
 16 AGENCY -- GENERAL AUTHORITY.  
 17 In addition to other powers conferred upon an  
 18 electric power agency by chapter 28F or other  
 19 applicable law, an electric power agency may enter  
 20 into and carry out joint agreements with other  
 21 participants for the acquisition of ownership of a  
 22 joint facility and for the planning, financing,  
 23 operation, and maintenance of the joint facility, as  
 24 provided in this subchapter.  
 25 Sec. 3. NEW SECTION. 476A.22 ELECTRIC POWER  
 26 AGENCY -- AUTHORITY -- CONFLICTING PROVISIONS.  
 27 1. In addition to any powers conferred upon an  
 28 electric power agency under chapter 28F or other  
 29 applicable law, an electric power agency may exercise  
 30 all other powers reasonably necessary or appropriate  
 31 for or incidental to the effectuation of the electric  
 32 power agency's authorized purposes, including without  
 33 limitation, the powers enumerated in chapters 6A and  
 34 6B for purposes of constructing or acquiring an  
 35 electric power facility.  
 36 2. An electric power agency, in connection with  
 37 its property and affairs, and in connection with  
 38 property within its control, may exercise any and all  
 39 powers that might be exercised by a natural person or  
 40 a private corporation in connection with similar  
 41 property and affairs.  
 42 3. The enumeration of specified powers and

43 functions of an electric power agency in this  
44 subchapter is not a limitation of the powers of an  
45 electric power agency, but the procedures prescribed  
46 for exercising the powers and functions enumerated in  
47 this subchapter control and govern in the event of any  
48 conflict with any other provision of law.  
49 4. The authority conferred pursuant to this  
50 subchapter applies to electric power agencies,

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1 notwithstanding any contrary provisions of section  
2 28F.1.  
3 Sec. 4. NEW SECTION. 476A.23 ISSUANCE OF PUBLIC  
4 BONDS OR OBLIGATIONS -- PURPOSES -- LIMITATIONS.  
5 1. An electric power agency may from time to time  
6 issue its public bonds or obligations in such  
7 principal amounts as the electric power agency deems  
8 necessary to provide sufficient funds to carry out any  
9 of its purposes and powers, including but not limited  
10 to any of the following:  
11 a. The acquisition or construction of any project  
12 to be owned or leased by the electric power agency, or  
13 the acquisition of any interest in such project or any  
14 right to the capacity of such project, including the  
15 acquisition, construction, or acquisition of any  
16 interest in an electric power generating plant to be  
17 constructed in this state, or the acquisition,  
18 construction, or acquisition of any interest in a  
19 transmission line or system.  
20 b. The funding or refunding of the principal of,  
21 or interest or redemption premiums on, any public  
22 bonds or obligations issued by the electric power  
23 agency whether or not the public bonds or obligations  
24 or interest to be funded or refunded have become due.  
25 c. The establishment or increase of reserves to  
26 secure or to pay the public bonds or obligations or  
27 interest on the public bonds or obligations.  
28 d. The payment of all other costs or expenses of  
29 the electric power agency incident to and necessary to  
30 carry out its purposes and powers.  
31 2. Notwithstanding anything in this subchapter or  
32 chapter 28F to the contrary, a facility shall not be  
33 financed with the proceeds of public bonds or  
34 obligations, the interest on which is exempt from  
35 federal income tax, unless the public issuer of such  
36 public bonds or obligations covenants that the issuer  
37 shall comply with the requirements or limitations  
38 imposed by the Internal Revenue Code or other  
39 applicable federal law to preserve the tax exemption  
40 of interest payable on the bonds or obligations.  
41 3. Notwithstanding anything in this subchapter or

42 chapter 28F to the contrary, an electric power  
43 generating facility shall not be financed under this  
44 subchapter unless all of the following conditions are  
45 satisfied:  
46 a. The electric power generating facility is  
47 designed to serve only the electric power requirements  
48 of retail customers of members that were municipal  
49 electric utilities established in the state prior to  
50 January 1, 2001.

Page 3

1 b. The electric power agency annually files with  
2 the board, in a manner to be determined by the board,  
3 information regarding sales from the electric power  
4 generating facility in sufficient detail to determine  
5 compliance with these provisions.  
6 The board shall report to the general assembly if  
7 any of the provisions are being violated.  
8 Sec. 5. NEW SECTION. 476A.24 PUBLIC BONDS OR  
9 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD --  
10 TERMS.  
11 1. The board of directors of an electric power  
12 agency, by resolution, may authorize the issuance of  
13 public bonds or obligations of the electric power  
14 agency.  
15 2. The public bonds or obligations may be issued  
16 in one or more series under the resolution or under a  
17 trust indenture or other security agreement.  
18 3. The resolution, trust indenture, or other  
19 security agreement, with respect to such public bonds  
20 or obligations, shall provide for all of the  
21 following:  
22 a. The date on the public bonds or obligations.  
23 b. The time of maturity.  
24 c. The rate of interest.  
25 d. The denomination.  
26 e. The form, either coupon or registered.  
27 f. The conversion, registration, and exchange  
28 privileges.  
29 g. The rank or priority.  
30 h. The manner of execution.  
31 i. The medium of payment, including the place of  
32 payment, either within or outside of the state.  
33 j. The terms of redemption, either with or without  
34 premium.  
35 k. Such other terms and conditions as set forth by  
36 the board in the resolution, trust indenture, or other  
37 security agreement.  
38 4. Public bonds or obligations authorized by the  
39 board of directors shall not be subject to any  
40 restriction under other law with respect to the

41 amount, maturity, interest rate, or other terms of  
42 obligation of a public agency or private person.

43 5. Chapter 75 shall not apply to public bonds or  
44 obligations authorized by the board of directors as  
45 provided in this section.

46 Sec. 6. NEW SECTION. 476A.25 PUBLIC BONDS OR  
47 OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR  
48 FUNDS.

49 1. The principal of and interest on any public  
50 bonds or obligations issued by an electric power

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1 agency shall be payable solely from the revenues or  
2 funds pledged or available for their payment as  
3 authorized in this subchapter.

4 2. Each public bond or obligation shall contain  
5 all of the following terms:

6 a. That the principal of or interest on such  
7 public bonds or obligation is payable solely from  
8 revenues or funds of the electric power agency.

9 b. That neither the state or a political  
10 subdivision of the state other than the electric power  
11 agency, nor a public agency that is a member of the  
12 electric power agency is obligated to pay the  
13 principal or interest on such public bonds or  
14 obligations.

15 c. That neither the full faith and credit nor the  
16 taxing power of the state, of any political  
17 subdivision of the state, or of any such public agency  
18 is pledged to the payment of the principal of or the  
19 interest on the public bonds or obligations.

20 Sec. 7. NEW SECTION. 476A.26 PUBLIC BONDS OR  
21 OBLIGATIONS -- TYPES -- SOURCES FOR PAYMENT --  
22 SECURITY.

23 1. Except as otherwise expressly provided by this  
24 subchapter or by the electric power agency, every  
25 issue of public bonds or obligations of the electric  
26 power agency shall be payable out of any revenues or  
27 funds of the electric power agency, subject only to  
28 any agreements with the holders of particular public  
29 bonds or obligations pledging any particular revenues  
30 or funds.

31 2. An electric power agency may issue types of  
32 public bonds or obligations as it may determine,  
33 including public bonds or obligations as to which the  
34 principal and interest are payable exclusively from  
35 the revenues from one or more projects, or from an  
36 interest in such project or projects, or a right to  
37 capacity of such project or projects, or from any  
38 revenue-producing contract made by the electric power  
39 agency with any person, or from its revenues

40 generally.

41 3. Any public bonds or obligations may be  
42 additionally secured by a pledge of any grant,  
43 subsidy, or contribution from any public agency or  
44 other person, or a pledge of any income or revenues,  
45 funds, or moneys of the electric power agency from any  
46 other source.

47 Sec. 8. NEW SECTION. 476A.27 PUBLIC BONDS OR  
48 OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO  
49 STATE APPROVAL.

50 Public bonds or obligations of an electric power

Page 5

1 agency may be issued under this subchapter, and rents,  
2 rates, and charges may be established in the same  
3 manner as provided in section 28F.5 and pledged for  
4 the security of public bonds or obligations and  
5 interest and redemption premiums on such public bonds  
6 or obligations, without obtaining the consent of any  
7 department, division, commission, board, bureau, or  
8 agency of the state and without any other proceeding  
9 or the happening of any other condition or occurrence,  
10 except as specifically required by this subchapter.

11 Sec. 9. NEW SECTION. 476A.28 PUBLIC BONDS OR  
12 OBLIGATIONS TO BE NEGOTIABLE.

13 All public bonds or obligations of an electric  
14 power agency shall be negotiable within the meaning  
15 and for all of the purposes of the uniform commercial  
16 code, chapter 554, subject only to the registration  
17 requirement of section 76.10.

18 Sec. 10. NEW SECTION. 476A.29 VALIDITY OF PUBLIC  
19 BONDS OR OBLIGATIONS AT DELIVERY -- TEMPORARY BONDS.

20 1. Any public bonds or obligations may be issued  
21 and delivered, notwithstanding that one or more of the  
22 officers executing them shall have ceased to hold  
23 office at the time when the public bonds or  
24 obligations are actually delivered.

25 2. Pending preparation of definitive bonds or  
26 obligations, an electric power agency may issue  
27 temporary bonds or obligations that shall be exchanged  
28 for the definitive bonds or obligations upon their  
29 issuance.

30 Sec. 11. NEW SECTION. 476A.30 PUBLIC OR PRIVATE  
31 SALE OF BONDS AND NOTES.

32 Public bonds or obligations of an electric power  
33 agency may be sold at public or private sale for a  
34 price and in a manner determined by the electric power  
35 agency.

36 Sec. 12. NEW SECTION. 476A.31 PUBLIC BONDS OR  
37 OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL  
38 UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.

39 The following persons may legally invest any debt  
40 service funds, money, or other funds belonging to such  
41 person or within such person's control in any public  
42 bonds or obligations issued pursuant to this  
43 subchapter:  
44 1. A bank, trust company, savings association,  
45 building and loan association, savings and loan  
46 association, or investment company.  
47 2. An insurance company, insurance association, or  
48 any other person carrying on an insurance business.  
49 3. An executor, administrator, conservator,  
50 trustee, or other fiduciary.

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1 4. Any other person authorized to invest in bonds  
2 or obligations of the state.  
3 Sec. 13. NEW SECTION. 476A.32 RESOLUTION, TRUST  
4 INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT  
5 -- PROVISIONS.  
6 The resolution, trust indenture, or other security  
7 agreement under which any public bonds or obligations  
8 are issued shall constitute a contract with the  
9 holders of the public bonds or obligations, and may  
10 contain provisions, among others, prescribing any of  
11 the following terms:  
12 1. The terms and provisions of the public bonds or  
13 obligations.  
14 2. The mortgage or pledge of and the grant of a  
15 security interest in any real or personal property and  
16 all or any part of the revenue from any project or any  
17 revenue producing contract made by the electric power  
18 agency with any person to secure the payment of public  
19 bonds or obligations, subject to any agreements with  
20 the holders of public bonds or obligations which might  
21 then exist.  
22 3. The custody, collection, securing, investment,  
23 and payment of any revenues, assets, money, funds, or  
24 property with respect to which the electric power  
25 agency may have any rights or interest.  
26 4. The rates or charges for electric energy sold  
27 by, or services rendered by, the electric power  
28 agency, the amount to be raised by the rates or  
29 charges, and the use and disposition of any or all  
30 revenue.  
31 5. The creation of reserves or debt service funds  
32 and the regulation and disposition of such reserves or  
33 funds.  
34 6. The purposes to which the proceeds from the  
35 sale of any public bonds or obligations to be issued  
36 may be applied, and the pledge of the proceeds to  
37 secure the payment of the public bonds or obligations.

38 7. Limitations on the issuance of any additional  
39 public bonds or obligations, the terms upon which  
40 additional public bonds or obligations may be issued  
41 and secured, and the refunding of outstanding public  
42 bonds or obligations.

43 8. The rank or priority of any public bonds or  
44 obligations with respect to any lien or security.

45 9. The creation of special funds or moneys to be  
46 held for operating expenses, payment, or redemption of  
47 public bonds or obligations, reserves or other  
48 purposes, and the use and disposition of moneys held  
49 in these funds.

50 10. The procedure by which the terms of any

Page 7

1 contract with or for the benefit of the holders of  
2 public bonds or obligations may be amended or  
3 abrogated, the amount of public bonds or obligations  
4 the holders of which must consent to such amendment or  
5 abrogation, and the manner in which consent may be  
6 given.

7 11. The definition of the acts or omissions to act  
8 that constitute a default in the duties of the  
9 electric power agency to holders of its public bonds  
10 or obligations, and the rights and remedies of the  
11 holders in the event of default including, if the  
12 electric power agency so determines, the right to  
13 accelerate the date of the maturation of the public  
14 bonds or obligations or the right to appoint a  
15 receiver or receivers of the property or revenues  
16 subject to the lien of the resolution, trust  
17 indenture, or other security agreement.

18 12. Any other or additional agreements with or for  
19 the benefit of the holders of public bonds or  
20 obligations or any covenants or restrictions necessary  
21 or desirable to safeguard the interests of the  
22 holders.

23 13. The custody of any of the electric power  
24 agency's property or investments, the safekeeping of  
25 such property or investments, the insurance to be  
26 carried on such property or investments, and the use  
27 and disposition of insurance proceeds.

28 14. The vesting in a trustee or trustees, within  
29 or outside the state, of such property, rights,  
30 powers, and duties as the electric power agency may  
31 determine; or the limiting or abrogating of the rights  
32 of the holders of any public bonds or obligations to  
33 appoint a trustee, or the limiting of the rights,  
34 powers, and duties of such trustee.

35 15. The appointment of and the establishment of  
36 the duties and obligations of any paying agent or

37 other fiduciary within or outside the state.  
 38 Sec. 14. NEW SECTION. 476A.33 MORTGAGE OR TRUST  
 39 DEED TO SECURE BONDS.  
 40 For the security of public bonds or obligations  
 41 issued or to be issued by an electric power agency,  
 42 the electric power agency may mortgage or execute  
 43 deeds of trust of the whole or any part of its  
 44 property.  
 45 Sec. 15. NEW SECTION. 476A.34 NO PERSONAL  
 46 LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.  
 47 An official, director, member of an electric power  
 48 agency, or any person executing public bonds or  
 49 obligations shall not be liable personally on the  
 50 public bonds or obligations or be subject to any

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1 personal liability or accountability by reason of the  
 2 issuance of such public bonds or obligations.  
 3 Sec. 16. NEW SECTION. 476A.35 REPURCHASE OF  
 4 SECURITIES.  
 5 An electric power agency may purchase public bonds  
 6 or obligations out of any funds available for such  
 7 purchase, and hold, pledge, cancel, or resell the  
 8 public bonds or obligations, subject to and in  
 9 accordance with any agreements with the holders.  
 10 Sec. 17. NEW SECTION. 476A.36 PLEDGE OF REVENUE  
 11 AS SECURITY.  
 12 An electric power agency may pledge its rates,  
 13 rents, and other revenues, or any part of such rates,  
 14 rents, and revenues, as security for the repayment,  
 15 with interest and redemption premiums, if any, of the  
 16 moneys borrowed by the electric power agency or  
 17 advanced to the electric power agency for any of its  
 18 authorized purposes and as security for the payment of  
 19 moneys due and owed by the electric power agency under  
 20 any contract.  
 21 Sec. 18. CODE EDITOR DIRECTIVE. The Code editor  
 22 shall change references to "this chapter" in sections  
 23 476A.1 through 476A.15 as necessary and appropriate to  
 24 reflect the addition of the new subchapter to chapter  
 25 476A as a result of this Act."  
 26 2. Title page, by striking lines 1 through 11 and  
 27 inserting the following: "An Act providing for joint  
 28 agreements for the acquisition of ownership of a joint  
 29 facility for electric power generation and  
 30 transmission, and for the planning, financing,  
 31 operation, and maintenance of the joint facility, and  
 32 providing for the bonding authority of electric power  
 33 agencies."

MICHAEL E. GRONSTAL  
 STEVEN D. HANSEN  
 BETTY A. SOUKUP  
 JOHN P. KIBBIE  
 JACK HOLVECK  
 JOHNIE HAMMOND  
 PATRICIA HARPER  
 BILL FINK  
 JOE BOLKCOM  
 MIKE CONNOLLY  
 MATT McCOY  
 PATRICK J. DELUHERY  
 TOM FLYNN  
 EUGENE S. FRAISE  
 WALLY E. HORN

### S-3687

1 Amend House File 577, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by inserting after line 21 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 476.44, subsection 2, Code  
 6 2001, is amended to read as follows:  
 7 2. a. An electric utility subject to this  
 8 division, except a utility ~~which that~~ elects rate  
 9 regulation pursuant to section 476.1A, shall not be  
 10 required to purchase, at any one time, more than its  
 11 scheduled percentage share of ~~one hundred five~~  
 12 megawatts of power ~~its Iowa retail load from~~  
 13 alternative energy production facilities or small  
 14 hydro facilities at the rates established pursuant to  
 15 section 476.43. The board shall ~~allocate the one~~  
 16 hundred five megawatts make the allocations based upon  
 17 each utility's percentage of the total Iowa retail  
 18 peak demand, for ~~the each~~ year beginning January 1,  
 19 ~~1990~~, of all utilities subject to this section, based  
 20 on the following schedule:  
 21 (1) Until January 1, 2004, two percent.  
 22 (2) Beginning January 1, 2005, five percent.  
 23 (3) Beginning January 1, 2006, six percent.  
 24 (4) Beginning January 1, 2007, seven percent.  
 25 (5) Beginning January 1, 2008, eight percent.  
 26 (6) Beginning January 1, 2009, nine percent.  
 27 (7) Beginning January 1, 2010, ten percent.  
 28 b. If a utility undergoes reorganization as  
 29 defined in section 476.76, the board shall combine the  
 30 allocated purchases of power for each utility involved  
 31 in the reorganization.  
 32 c. Notwithstanding the ~~one hundred five megawatt~~  
 33 current applicable maximum, the board may increase the  
 34 amount of power that a utility is required to purchase

35 at the rates established pursuant to section 476.43 if  
 36 the board finds that a utility, including a  
 37 reorganized utility, exceeds its ~~1990~~ previous Iowa  
 38 retail peak demand level by twenty percent, and the  
 39 additional power the utility is required to purchase  
 40 will encourage the development of alternate energy  
 41 production facilities and small hydro facilities. The  
 42 increase shall not exceed the utility's increase in  
 43 peak demand multiplied by the ratio of the utility's  
 44 share of the ~~one hundred five megawatt~~ current  
 45 scheduled maximum to its ~~1990~~ Iowa retail peak demand.  
 46 d. At least five percent of an electric utility's  
 47 yearly scheduled allocation pursuant to the schedule  
 48 in paragraph "a" shall be derived from alternate  
 49 energy production facilities or small hydro facilities  
 50 with an electrical energy production capacity of three

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- 1 megawatts or less, if available."
- 2 2. By renumbering and correcting internal
- 3 references as necessary.

MARY LOU FREEMAN  
 MARY A. LUNDBY  
 JOE BOLKCOM  
 JACK HOLVECK  
 ANDY McKEAN  
 BILL FINK  
 MICHAEL E. GRONSTAL  
 JOHN P. KIBBIE  
 DERRYL McLAREN  
 E. THURMAN GASKILL  
 BETTY A. SOUKUP

## S-3688

- 1 Amend House File 746, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, lines 8 and 9, by striking the words
- 4 "but excluding the judicial branch of state
- 5 government".
- 6 2. Page 6, line 10, by striking the figure
- 7 "46,770,200" and inserting the following:
- 8 "62,270,200".
- 9 3. Page 7, by inserting after line 2 the
- 10 following:
- 11 "\_\_\_\_. The collective bargaining agreement
- 12 negotiated pursuant to chapter 20 for employees in the
- 13 judicial branch of government bargaining unit."
- 14 4. By striking page 8, line 30, through page 9,
- 15 line 9.

- 16 5. Page 10, by striking line 6 and inserting the  
 17 following: "state except for employees of the state  
 18 board of regents. The funds appropriated from the  
 19 general fund of the state for employees of the state  
 20 board of regents shall exclude general university  
 21 indirect costs and general university federal funds."  
 22 6. By renumbering as necessary.

JEFF LAMBERTI

**S-3689**

- 1 Amend the amendment, S-3673, to House File 577, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 4, by striking the word "or" and  
 5 inserting the following: ", or".  
 6 2. Page 3, by striking lines 29 through 35.  
 7 3. Page 3, line 36, by striking the figure "(3)"  
 8 and inserting the following: "(1)".  
 9 4. Page 3, line 39, by striking the figure "(4)"  
 10 and inserting the following: "(2)".  
 11 5. Page 4, by inserting after line 3 the  
 12 following:  
 13 "\_\_\_\_. Page 5, by striking lines 17 and 18, and  
 14 inserting the following: "available technology and  
 15 the economics of available alternatives."  
 16 \_\_\_\_\_. Page 12, line 12, by inserting after the  
 17 word "bonds" the following: "or"."  
 18 6. By renumbering as necessary.

JOANN JOHNSON

**S-3690**

- 1 Amend House File 755, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 4, line 29, through page 5,  
 4 line 4.

MERLIN E. BARTZ

**S-3691**

- 1 Amend House File 577, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 476.1A, Code 2001, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 5A. Filing alternate energy

8 purchase program plans with the board, and offering  
9 such programs to customers, pursuant to section  
10 476.47."

11 2. Page 1, line 2, by striking the word  
12 "paragraph" and inserting the following:  
13 "paragraphs".

14 3. Page 1, by inserting after line 8 the  
15 following:

16 "n. Filing alternate energy purchase program plans  
17 with the board, and offering such programs to  
18 customers, pursuant to section 476.47."

19 4. Page 2, by inserting after line 21 the  
20 following:

21 "Sec. \_\_\_\_ NEW SECTION. 476.47 ALTERNATE ENERGY  
22 PURCHASE PROGRAMS.

23 1. Beginning January 1, 2004, all electric  
24 utilities, whether or not rate-regulated under this  
25 chapter, shall offer alternate energy purchase  
26 programs to all customers, based on energy produced by  
27 alternate energy production facilities in Iowa.

28 2. The board shall require electric utilities to  
29 file plans for alternate energy purchase programs  
30 offered pursuant to this section.

31 a. Rate-regulated electric utilities shall file  
32 alternate energy purchase programs that allow  
33 customers to contribute voluntarily to the development  
34 of alternate energy in Iowa, and shall file tariffs as  
35 required by the board by rule.

36 b. Electric utilities that are not rate-regulated  
37 shall offer alternate energy purchase programs at  
38 rates determined by their governing authority, and  
39 shall file tariffs with the board for informational  
40 purposes only.

41 3. The electric utility shall notify consumers of  
42 its alternate energy purchase program and any proposed  
43 modifications to such program at least sixty days  
44 prior to implementation of the program or any  
45 modification.

46 4. For purposes of this section, an electric  
47 utility may purchase energy from an alternate energy  
48 production facility located outside of Iowa under  
49 either of the following circumstances:

50 a. The purchase is pursuant to a contract in

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1 effect prior to July 1, 2001, and continues until the  
2 expiration of the contract, including any options to  
3 renew that are exercised by the electric utility.

4 b. The electric utility has a financial interest,  
5 as of July 1, 2001, in the alternate energy production  
6 facility that is located outside of Iowa.

7 5. This section shall not apply to non-rate-  
 8 regulated electric utilities physically located  
 9 outside of Iowa that serve Iowa customers."  
 10 5. By renumbering, relettering, redesignating,  
 11 and correcting internal references as necessary.

JOANN JOHNSON

**S-3692**

1 Amend House File 746, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 6, lines 8 and 9, by striking the words  
 4 "but excluding the judicial branch of state  
 5 government".  
 6 2. Page 6, line 10, by striking the figure  
 7 "46,770,200" and inserting the following:  
 8 "61,270,200".  
 9 3. Page 7, by inserting after line 2 the  
 10 following:  
 11 "\_\_\_ The collective bargaining agreement  
 12 negotiated pursuant to chapter 20 for employees in the  
 13 judicial branch of government bargaining unit."  
 14 4. By striking page 8, line 30, through page 9,  
 15 line 9.  
 16 5. Page 10, by striking line 6 and inserting the  
 17 following: "state except for employees of the state  
 18 board of regents. The funds appropriated from the  
 19 general fund of the state for employees of the state  
 20 board of regents shall exclude general university  
 21 indirect costs and general university federal funds."  
 22 6. By renumbering as necessary.

JEFF LAMBERTI

**S-3693**

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by inserting after line 27 the  
 5 following:  
 6 "\_\_\_ Page 13, by inserting after line 29, the  
 7 following:  
 8 "\_\_\_ For recreational grants to be used for the  
 9 restoration or construction of recreational complexes  
 10 or facilities under the recreational grant matching  
 11 program:  
 12 .....\$ 3,000,000  
 13 Matching grants awarded from the funds appropriated  
 14 in this subsection shall be awarded on a matching

15 basis of one dollar for every two dollars the  
 16 applicant had raised.  
 17 The department shall give special consideration to  
 18 recreational complex or facility projects which  
 19 involve public and private sector participation.""  
 20 2. Page 6, line 2, by striking the figure  
 21 "1,000,000" and inserting the following: "2,000,000".  
 22 3. By renumbering, redesignating, and correcting  
 23 internal references as necessary.

BILL FINK

**S-3694**

HOUSE AMENDMENT TO  
 SENATE FILE 476

1 Amend Senate File 476, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, lines 18 and 19, by striking the words  
 4 and figures "sections 284.5 and 284.6" and inserting  
 5 the following: "section 284.5".  
 6 2. Page 2, line 17, by inserting after the word  
 7 "teacher" the following: "or a retired teacher".  
 8 3. Page 3, by striking lines 11 and 12 and  
 9 inserting the following:  
 10 "a. Demonstrates ability to enhance academic  
 11 performance and support for and implementation of the  
 12 school district's student achievement goals."  
 13 4. Page 3, lines 18 and 19, by striking the words  
 14 ", including the use of technology for curriculum  
 15 integration".  
 16 5. Page 3, line 31, by striking the word "model"  
 17 and inserting the following: "models".  
 18 6. Page 4, line 3, by striking the word "model"  
 19 and inserting the following: "models".  
 20 7. Page 4, line 4, by striking the word  
 21 "annually".  
 22 8. Page 4, line 5, by striking the word  
 23 "however," and inserting the following: "immediately  
 24 after the school year in which a contract period  
 25 ends,".  
 26 9. Page 4, by striking lines 19 and 20 and  
 27 inserting the following: "the equivalent of two or  
 28 more additional contract days, outside of instruction  
 29 time, than were provided in the school year  
 30 preceding".  
 31 10. Page 5, line 33, by inserting after the word  
 32 "teacher" the following: "mentoring and".  
 33 11. Page 6, by inserting after line 12 the  
 34 following:  
 35 "\_\_\_ . A beginning teacher shall be informed by the

36 school district, prior to the beginning teacher's  
37 participation in a mentoring and induction program, of  
38 the criteria upon which the beginning teacher shall be  
39 evaluated and of the evaluation process utilized by  
40 the school district."

41 12. Page 9, line 23, by striking the figure "(3)"  
42 and inserting the following: "(2)".

43 13. Page 11, lines 14 and 15, by striking the  
44 words and figures "starting July 1, 2001," and  
45 inserting the following: ", preceding participation,  
46 as set forth in section 284.4".

47 14. Page 11, by striking lines 23 through 27 and  
48 inserting after the following:

49 "\_\_\_\_. Notwithstanding section 284.4, subsection 2,  
50 effective July 1, 2004, teacher performance shall be

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1 reviewed annually for purposes of assisting the  
2 teacher in making continuous improvement. The annual  
3 review shall be conducted by a certified evaluator who  
4 shall be selected by an administrator after  
5 consultation with the teacher. School districts are  
6 encouraged to make available time for and to utilize  
7 peer review and peer coaching techniques when  
8 conducting the annual review. The annual review need  
9 not be conducted if the teacher has been  
10 comprehensively reviewed during the same school year.  
11 The".

12 15. Page 13, line 20, by striking the word  
13 "model" and inserting the following: "models".

14 16. Page 14, line 10, by inserting after the  
15 figure "2." the following: "a."

16 17. Page 14, by inserting after line 22 the  
17 following:

18 "b. However, an administrator licensed in  
19 accordance with section 272.2, subsection 13,  
20 paragraph "a", shall not be eligible to enroll in the  
21 evaluator training program."

22 18. By striking page 15, line 8, through page 16,  
23 line 7, and inserting the following:

24 "Sec. \_\_\_\_ **NEW SECTION. 284.11 PILOT PROGRAM FOR**  
25 **TEAM-BASED VARIABLE PAY FOR STUDENT ACHIEVEMENT.**

26 1. It is the intent of the general assembly to  
27 create a statewide team-based variable pay program to  
28 reward individual attendance centers for improvement  
29 in student achievement. A pilot program is  
30 established to give Iowa school districts with one or  
31 more participating attendance centers the opportunity  
32 to explore and demonstrate successful methods to  
33 implement team-based variable pay. The department  
34 shall develop and administer the pilot program. Each

35 school district approved by the department to  
36 participate in the pilot program shall administer  
37 valid and reliable standardized assessments at the  
38 beginning and end of the school year to demonstrate  
39 growth in student achievement.  
40 2. All licensed practitioners employed at a  
41 participating attendance center that has demonstrated  
42 improvement in student achievement shall share in a  
43 cash award. However, the school district is  
44 encouraged to extend cash awards to other staff  
45 employed at the attendance center.  
46 3. The principal, with the participation of a team  
47 of licensed practitioners appointed by the principal,  
48 at each participating attendance center within a  
49 school district shall annually submit district  
50 attendance center student performance goals to the

Page 3

1 school board for approval. The attendance center  
2 goals must be aligned with the school improvement  
3 goals for the district developed in accordance with  
4 section 256.7, subsection 21. The district shall  
5 determine the designation of an attendance center for  
6 purposes of this section. The attendance center  
7 student performance goals may differ from attendance  
8 center to attendance center and may contain goals and  
9 indicators in addition to the comprehensive school  
10 improvement plan. An attendance center shall  
11 demonstrate student achievement through the use of  
12 multiple measures that are valid and reliable.  
13 4. Each participating district shall create its  
14 own design for a team-based pay plan linked to the  
15 district's comprehensive school improvement plan. The  
16 plan must include attendance center student  
17 performance goals, student performance levels,  
18 multiple indicators to determine progress toward  
19 attendance center goals, and a system for providing  
20 financial rewards. The team-based pay plan shall be  
21 approved by the local board.  
22 5. Each district team-based pay plan shall be  
23 reviewed by the department. The department shall  
24 include a review of the locally established goals,  
25 targeted levels of improvement, assessment strategies,  
26 and financial reward system.  
27 6. A district electing to initiate a team-based  
28 variable pay plan according to this section during the  
29 school year beginning July 1, 2001, shall notify the  
30 department of its election in writing no later than  
31 August 1, 2001. The department shall certify the  
32 school district plan by October 1, 2001."  
33 19. Page 16, by striking line 11 and inserting

34 the following:

35 "a. Student achievement scores in mathematics and  
36 reading at the fourth and eighth grade levels on a  
37 district-by-district basis as reported to the local  
38 communities pursuant to section 256.7, subsection 21,  
39 paragraph "c".

40 20. Page 16, line 18, by inserting after the word  
41 "education," the following: "the legislative  
42 education accountability and oversight committee, the  
43 deans of the colleges of education at approved  
44 practitioner preparation institutions in this state,".

45 21. Page 17, line 11, by striking the word "a".

46 22. Page 17, line 12, by striking the word  
47 "model" and inserting the following: "models".

48 23. Page 18, by striking lines 10 through 15.

49 24. Page 18, line 18, by striking the figure "16"  
50 and inserting the following: "17".

Page 4

1 25. Page 19, line 4, by striking the words and  
2 figure "paragraphs 1 and" and inserting the following:  
3 "paragraph".

4 26. Page 19, line 5, by striking the word "are"  
5 and inserting the following: "is".

6 27. Page 19, by striking lines 6 through 21.

7 28. Page 19, line 24, by inserting after the word  
8 "apply." the following: "However, if the probationary  
9 teacher is a beginning teacher who fails to  
10 successfully complete a beginning teacher mentoring  
11 and induction program in accordance with chapter 284,  
12 the provisions of sections 279.17 and 279.18 shall  
13 also apply."

14 29. Page 19, by inserting after line 24 the  
15 following:

16 "Sec. \_\_\_\_ . Section 294A.14, unnumbered paragraphs  
17 3 and 4, Code 2001, are amended to read as follows:

18 A plan shall be developed using the procedure  
19 specified under section 294A.15. The plan shall  
20 provide for the establishment of a performance-based  
21 pay plan, a supplemental pay plan, a combination of  
22 the two pay plans, or comprehensive school  
23 transformation programs, and shall include a budget  
24 for the cost of implementing the plan. In addition to  
25 the costs of providing additional salary for teachers  
26 and the amount required to pay the employers' share of  
27 the federal social security and Iowa public employees'  
28 retirement system, or a pension and annuity retirement  
29 system established under chapter 294, and payments on  
30 the additional salary, the budget may include costs  
31 associated with providing specialized or general  
32 training. Moneys received under phase III shall not

33 be used to employ additional employees of a school  
 34 district, except that phase III moneys may be used to  
 35 employ substitute teachers, part-time teachers, and  
 36 other employees needed to implement plans that provide  
 37 innovative staffing patterns, or ~~that~~ require that a  
 38 teacher employed on a full-time basis be absent from  
 39 the classroom for specified periods for fulfilling  
 40 other instructional duties or to participate on a peer  
 41 review team or in peer coaching efforts. However, all  
 42 teachers employed are eligible to receive additional  
 43 salary under an approved plan.

44 For the purpose of this section, a performance-  
 45 based pay plan shall provide for salary increases for  
 46 teachers who demonstrate superior performance in  
 47 completing assigned duties. The plan shall include  
 48 the method used to determine superior performance of a  
 49 teacher. For school districts, the plan may include  
 50 assessments of ~~specific teaching behavior~~ performance.

Page 5

1 assessments of student performance, assessments of  
 2 other characteristics associated with effective  
 3 teaching, or a combination of these criteria."

4 30. Page 20, by striking line 22 and inserting  
 5 the following: "recommend assessment models for use  
 6 in accurately measuring".

7 31. Page 21, by inserting after line 33 the  
 8 following:

9 "Sec. \_\_\_\_ . CONTINGENT EFFECTIVENESS. Section  
 10 284.10, subsection 2, paragraph "b", as enacted in  
 11 this Act, takes effect only if 2001 Iowa Acts, House  
 12 File 670 is enacted."

13 32. Title page, line 2, by inserting after the  
 14 word "program" the following: "and providing for  
 15 contingent effectiveness".

16 33. By renumbering, relettering, or redesignating  
 17 and correcting internal references as necessary.

**S-3695**

1 Amend House File 720, as passed by the House, as  
 2 follows:

3 1. By striking everything after the enacting  
 4 clause, and inserting the following:

5 "Section 1. Section 483A.1, subsections 1, 2, and  
 6 3, Code 2001, are amended to read as follows:

7 1. Residents:

8 a. Fishing license, annual ..... \$ 10.50  
 9 ..... 14.00

10 b. Fishing license, seven-day ..... \$ 12.00

11 ~~b. c.~~ Fishing license, lifetime, sixty-five

12	years or older \$ 50.50	
13	e. <u>d.</u> Hunting license .....	\$ 12.50
14	.....	<u>14.00</u>
15	d. <u>e.</u> Hunting license, lifetime, sixty-five	
16	years or older .....	\$ 50.50
17	e. <u>f.</u> Deer hunting license, antlered or any	
18	<u>sex deer</u> .....	\$ 25.50
19	.....	<u>30.00</u>
20	<u>g.</u> Deer hunting license, antlerless only .. \$ 16.00	
21	<u>f. h.</u> Wild turkey hunting license .....	\$ 22.50
22	.....	<u>25.00</u>
23	<u>g. i.</u> Fur harvester license, sixteen years	
24	or older .....	\$ 20.50
25	.....	<u>22.00</u>
26	<u>h. j.</u> Fur harvester license, under sixteen	
27	years of age .....	\$ 5.50
28	.....	6.00
29	<u>i. k.</u> Fur dealer license .....	\$ 225.50
30	.....	<u>250.00</u>
31	<u>j. l.</u> Aquaculture unit license .....	\$ 25.50
32	.....	<u>30.00</u>
33	<u>k. m.</u> Bait dealer license .....	\$ 30.50
34	.....	<u>36.00</u>
35	<u>n.</u> Deer and turkey combination bow and	
36	<u>arrow license</u> .....	\$ 38.00
37	<hr/> 2. Nonresidents:	
38	a. Fishing license, <u>annual</u> .....	\$ 22.50
39	.....	<u>36.00</u>
40	<u>b.</u> Fishing license, seven-day .....	\$ 27.00
41	<u>b. c.</u> Hunting license, eighteen years of	
42	age or older .....	\$ 60.50
43	.....	<u>80.00</u>
44	e. <u>d.</u> Hunting license, under eighteen years	
45	of age .....	\$ 25.50
46	.....	<u>30.00</u>
47	d. <u>e.</u> Deer hunting license .....	\$ 150.50
48	.....	<u>225.00</u>
49	e. <u>f.</u> Wild turkey hunting license .....	\$ 75.50
50	.....	<u>125.00</u>

Page 2

1	<u>f. g.</u> Fur harvester license .....	\$ 180.50
2	.....	<u>200.00</u>
3	<u>g. h.</u> Fur dealer license .....	\$ 500.50
4	.....	<u>501.00</u>
5	<u>h. i.</u> Location permit for fur dealers .....	\$ 55.50
6	.....	<u>56.00</u>
7	<u>i. j.</u> Aquaculture unit license .....	\$ 50.50
8	.....	<u>56.00</u>
9	<u>j. k.</u> Bait dealer license .....	\$ 60.50
10	.....	<u>66.00</u>

11 3. Residents and Nonresidents:

12 a. ~~Fishing, seven-day license~~ .....\$ 8.50

13 ~~b. a. Trout fishing fee~~ .....\$ 10.50

14 ..... 13.00

15 e. ~~b. Game breeder license~~ .....\$ 15.50

16 ..... 26.00

17 ~~d. c. Taxidermy license~~ .....\$ 15.50

18 ..... 26.00

19 e. ~~d. Falconry license~~ .....\$ 20.50

20 ..... 26.00

21 ~~f. Nongame support fee~~ .....\$ 5.00

22 ~~g. e. Wildlife habitat fee~~ .....\$ 5.50

23 ..... 8.00

24 ~~h. f. Migratory game bird fee~~ .....\$ 5.50

25 ..... 8.00

26 Sec. 2. Section 483A.7, subsection 3, Code 2001,  
 27 is amended to read as follows:

28 3. A nonresident wild turkey hunter is required to  
 29 have only a nonresident wild turkey hunting license  
 30 and pay the wildlife habitat fee. The commission  
 31 shall annually limit to ~~two~~ three thousand licenses  
 32 the number of nonresidents allowed to have wild turkey  
 33 hunting licenses. The number of nonresident wild  
 34 turkey hunting licenses shall be determined as  
 35 provided in section 481A.38. If a license cannot be  
 36 issued, the applicable fees, excluding an application  
 37 fee of twenty-five dollars, shall be returned to the  
 38 applicant. The commission shall allocate the  
 39 nonresident wild turkey hunting licenses issued among  
 40 the zones based on the populations of wild turkey. A  
 41 nonresident applying for a wild turkey hunting license  
 42 must exhibit proof of having successfully completed a  
 43 hunter safety and ethics education program as provided  
 44 in section 483A.27 or its equivalent as determined by  
 45 the department before the license is issued.

46 Sec. 3. Section 483A.8, subsection 3, Code 2001,  
 47 is amended to read as follows:

48 3. A nonresident hunting deer is required to have  
 49 a nonresident deer license and must pay the wildlife  
 50 habitat fee. The commission shall annually limit to

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1 ~~seven ten~~ thousand ~~five hundred~~ licenses the number of  
 2 nonresidents allowed to have deer hunting licenses.  
 3 ~~Of the first six thousand nonresident deer licenses~~  
 4 ~~issued, not more than thirty-five percent of the~~  
 5 ~~licenses shall be bow season licenses and, after the~~  
 6 ~~first six thousand nonresident deer licenses have been~~  
 7 ~~issued, all additional licenses shall be issued for~~  
 8 ~~antlerless deer only.~~ The number of nonresident deer  
 9 hunting licenses shall be determined as provided in

10 section 481A.38. The commission shall allocate the  
11 nonresident deer hunting licenses issued among the  
12 zones based on the populations of deer. However, a  
13 nonresident applicant may request one or more hunting  
14 zones, in order of preference, in which the applicant  
15 wishes to hunt. If ~~the request a license~~ cannot be  
16 ~~fulfilled issued~~, the applicable fees, excluding an  
17 application fee of twenty-five dollars, shall be  
18 returned to the applicant. A nonresident applying for  
19 a deer hunting license must exhibit proof of having  
20 successfully completed a hunter safety and ethics  
21 education program as provided in section 483A.27 or  
22 its equivalent as determined by the department before  
23 the license is issued.

24 Sec. 4. Section 483A.24, subsection 2, paragraph  
25 b, Code 2001, is amended to read as follows:

26 b. Upon ~~written application on forms furnished~~  
27 pursuant to rules established by the department, the  
28 department shall issue annually without fee one deer  
29 or one wild turkey license, or both, to the owner of a  
30 farm unit or to a member of the owner's family, but  
31 not to both, and to the tenant or to a member of the  
32 tenant's family, but not to both. The deer hunting  
33 license or wild turkey hunting license issued shall be  
34 valid only on the farm unit for which an applicant  
35 qualifies pursuant to this subsection and shall be  
36 equivalent to the least restrictive license issued  
37 under section 481A.38. The owner or the tenant need  
38 not reside on the farm unit to qualify for a free  
39 license to hunt on that farm unit. A free deer  
40 hunting license issued pursuant to this subsection  
41 shall be valid during all shotgun deer seasons.

42 Sec. 5. Section 483A.24, subsection 2, paragraph  
43 c, Code 2001, is amended to read as follows:

44 c. In addition to the free deer hunting license  
45 received, an owner of a farm unit or a member of the  
46 owner's family and the tenant or a member of the  
47 tenant's family may purchase a deer hunting license  
48 for any option offered to paying deer hunting  
49 licensees. An owner of a farm unit or a member of the  
50 owner's family and the tenant or a member of the

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1 tenant's family may also purchase two additional  
2 antlerless deer hunting licenses which are valid only  
3 on the farm unit for a fee of ten dollars each.

4 Sec. 6. Section 483A.24, subsection 2, Code 2001,  
5 is amended by adding the following new paragraph:  
6 **NEW PARAGRAPH.** e. Upon application pursuant to  
7 rules established by the department and payment of a  
8 nonresident deer hunting license fee, the department

9 shall issue a deer hunting license to the nonresident  
 10 owner or owners of a farm unit. In addition to the  
 11 application and payment of the license fee, the  
 12 nonresident owner or owners of a farm unit shall  
 13 prepare and adhere to a deer population management  
 14 plan approved pursuant to rules of the department.  
 15 The primary objective of a deer population management  
 16 plan is to manage deer populations to minimize damage  
 17 to agricultural crops on adjacent land. The deer  
 18 hunting license issued shall be valid only on the farm  
 19 unit for which the applicant qualifies pursuant to  
 20 this subsection and shall be equivalent to the least  
 21 restrictive license issued under section 481A.38. The  
 22 nonresident deer hunting licenses issued pursuant to  
 23 this paragraph shall be in addition to the number of  
 24 nonresident hunting licenses authorized pursuant to  
 25 section 483A.8.

26 Sec. 7. NEW SECTION. 483A.28 DEER POPULATION  
 27 MANAGEMENT PLAN.

28 A person controlling land by lease, ownership, or  
 29 other means where a hunter is charged a fee for  
 30 hunting deer, shall prepare and adhere to a deer  
 31 population management plan approved by the department.  
 32 The primary objective of a deer population management  
 33 plan is to manage deer populations to minimize damage  
 34 to agricultural crops on land adjacent to the fee  
 35 hunting management area. This section does not apply  
 36 to licensed hunting preserves.

37 Sec. 8. EFFECTIVE AND APPLICABILITY DATES.

38 Sections 1, 2, 3, and 6 of this Act take effect  
 39 December 15, 2001, and apply to licenses and fees for  
 40 wildlife and game activities for the years beginning  
 41 on or after January 1, 2002."

42 2. Title page, by striking lines 2 and 3 and  
 43 inserting the following: "for hunting, fishing,  
 44 harvesting, and related licenses, providing for  
 45 additional licenses and fees, for deer management  
 46 plans, and for other properly related matters, and".

DENNIS H. BLACK

**S-3696**

1 Amend House File 720, as passed by the House, as  
 2 follows:

- 3 1. Page 3, line 21, by striking the word "six"
- 4 and inserting the following: "~~six~~ seven".
- 5 2. Page 3, line 23, by striking the word "six"
- 6 and inserting the following: "~~six~~ seven".

DENNIS H. BLACK

**S-3697**

1 Amend House File 720, as passed by the House, as  
2 follows:  
3 1. Page 4, by inserting after line 23 the  
4 following:  
5 "Sec. \_\_\_\_ Section 483A.8, Code 2001, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 6. The commission shall  
8 establish, by rule, a special drawing of one thousand  
9 any sex deer licenses for nonresident applicants. The  
10 one thousand deer licenses shall be in addition to the  
11 nonresident deer licenses authorized pursuant to  
12 subsection 3. The special nonresident license fee is  
13 five hundred dollars. A successful applicant shall  
14 also pay the fees for a nonresident hunting license  
15 and the wildlife habitat fee and meet the other  
16 requirements of subsection 3 relating to proof of  
17 having successfully completed a hunter safety and  
18 ethics education program. The commission shall  
19 allocate the special licenses issued among the zones  
20 based on the population of deer. However, a  
21 nonresident hunter receiving a license pursuant to the  
22 subsection may request one or more hunting zones, in  
23 order of preference, in which the hunter wishes to  
24 hunt."

DENNIS H. BLACK

**S-3698**

1 Amend House File 696, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 96.7, subsection 12,  
6 paragraphs a, c, and d, Code 2001, are amended to read  
7 as follows:  
8 a. An employer other than a governmental entity or  
9 a nonprofit organization, subject to this chapter,  
10 shall pay an administrative contribution surcharge  
11 equal in amount to one-tenth of one percent of federal  
12 taxable wages, as defined in section 96.19, subsection  
13 37, paragraph "b", subject to the surcharge formula to  
14 be developed by the department under this paragraph.  
15 The department shall develop a surcharge formula that  
16 provides a target revenue level of no greater than six  
17 million five hundred twenty-five thousand dollars  
18 annually. The department shall reduce the  
19 administrative contribution surcharge established for  
20 any calendar year proportionate to any federal

21 government funding that provides an increased  
 22 allocation of moneys for workforce development  
 23 offices, under the federal employment services  
 24 financing reform legislation. Any administrative  
 25 contribution surcharge revenue that is collected in  
 26 2002 in excess of six million five hundred twenty-five  
 27 thousand dollars shall be deducted from the amount to  
 28 be collected in calendar year 2003 before the  
 29 department establishes the administrative contribution  
 30 surcharge. The department shall recompute the amount  
 31 as a percentage of taxable wages, as defined in  
 32 section 96.19, subsection 37, and shall add the  
 33 percentage surcharge to the employer's contribution  
 34 rate determined under this section. The percentage  
 35 surcharge shall be capped at a maximum of seven  
 36 dollars per employee. The department shall adopt  
 37 rules prescribing the manner in which the surcharge  
 38 will be collected. Interest shall accrue on all  
 39 unpaid surcharges under this subsection at the same  
 40 rate as on regular contributions and shall be  
 41 collectible in the same manner. Interest accrued and  
 42 collected under this paragraph and interest earned and  
 43 credited to the fund under paragraph "b" shall be used  
 44 by the department only for the purposes set forth in  
 45 paragraph "c".

46 c. Moneys in the fund shall be used by the  
 47 department only upon appropriation by the general  
 48 assembly and only for personnel and nonpersonnel costs  
 49 of rural and satellite departmental offices in  
 50 population centers of less than twenty thousand ~~or for~~

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1 ~~the department approved training fund funded in~~  
 2 ~~section 8, subsection 2, of 1988 Iowa Acts, chapter~~  
 3 ~~1274. To the extent possible, the department shall~~  
 4 ~~colocate the rural and satellite departmental offices~~  
 5 ~~funded by the surcharge provided for in this~~  
 6 ~~subsection at available community college facilities~~  
 7 ~~throughout the state. If colocation at community~~  
 8 ~~college facilities is not feasible, the department~~  
 9 ~~shall attempt, to the extent possible, to colocate~~  
 10 ~~offices in the facilities of other government~~  
 11 ~~entities. Moneys in the fund shall not be used for~~  
 12 ~~purposes other than those identified in this paragraph~~  
 13 ~~or identified in the appropriation of the moneys in~~  
 14 ~~the fund by the general assembly.~~

15 d. This subsection is repealed July 1, ~~2001~~ 2003,  
 16 and the repeal is applicable to contribution rates for  
 17 calendar year ~~2002~~ 2004 and subsequent calendar years.

18 Sec. 2. RURAL AND SATELLITE DEPARTMENTAL OFFICES  
 19 REVIEW. The department of workforce development shall

20 establish performance measures for each workforce  
21 development office site based on the job seeker  
22 entered employment rate, the job seeker employment  
23 retention rate, the job seeker average wage at  
24 placement, the job seeker customer satisfaction  
25 rating, the number of employers served, and the  
26 employer customer satisfaction rating, and shall  
27 conduct an annual review of the performance measures.  
28 The department, in the annual departmental offices  
29 review, shall consider the feasibility of  
30 consolidating some of the rural and satellite  
31 departmental offices to better serve the public. In  
32 addition, the department shall conduct a comprehensive  
33 analysis of the efficiency and effectiveness of the  
34 department's field office system, including the  
35 geographic distribution of the offices.

36 The department shall prepare a report of its annual  
37 departmental offices review findings that sets forth  
38 specific review findings for each office site. The  
39 report shall contain information gathered in the  
40 review as well as information concerning the success  
41 of colocation efforts at community colleges throughout  
42 the state, the services provided to employers with  
43 fifty or fewer employees, the rent or lease costs  
44 associated with each office site and the building  
45 square footage at each office site, and efforts to  
46 pursue other funding sources.

47 The department shall submit a report of its annual  
48 departmental offices review to the governor and  
49 general assembly by December 21, 2001, by December 21,  
50 2002, and by December 21, 2003.

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1 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
2 immediate importance, takes effect upon enactment."

JERRY BEHN

### S-3699

1 Amend the amendment, S-3613, to House File 742, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 3, by inserting after line 33, the  
5 following:

6 "e. For consideration for an option to purchase  
7 all or a portion of the following properties,  
8 notwithstanding section 8.57, subsection 5, paragraph  
9 "c": a 2.4-acre parcel located at the northwest  
10 corner of Pennsylvania avenue and Des Moines street,  
11 including a 26,319-square foot one-story masonry

12 structure; a 0.17-acre site located at 1022 Des Moines  
13 street; a 2.2-acre site on the city block bounded by  
14 East Eleventh, East Twelfth, Des Moines, and Lyon  
15 streets, including an 11,058-square foot building; and  
16 a 7.5-acre parcel consisting of two contiguous city  
17 blocks bounded by East Twelfth, East Fourteenth, Des  
18 Moines, and Lyon streets, including five buildings:  
19 .....\$ 500,000  
20 The consideration for the option to purchase shall  
21 be applied to the contract purchase price in the event  
22 the option to purchase any or all of the properties  
23 described in this paragraph "e" is exercised. The  
24 option to purchase shall be for a period of at least  
25 one year beginning on or after July 1, 2001, and shall  
26 be exercised only after a specific appropriation by  
27 the general assembly for the purchase of all or a  
28 portion of the properties described in this paragraph  
29 "e".  
30 f. For an appraisal, environmental assessment, and  
31 feasibility study of the properties described in  
32 paragraph "e":  
33 .....\$ 250,000"  
34 2. Page 7, by inserting after line 37, the  
35 following:  
36 "Sec. 701. There is appropriated from the tax-  
37 exempt bond proceeds restricted capital funds account  
38 of the tobacco settlement trust fund to the department  
39 of general services for the following fiscal years,  
40 the following amounts, or so much thereof as is  
41 necessary, to be used for the purposes designated:  
42 For the planning, design, and construction of a  
43 multipurpose laboratory facility:  
44 FY 2001-2002 .....\$ 16,670,000  
45 FY 2002-2003 .....\$ 16,670,000  
46 FY 2003-2004 .....\$ 16,660,000  
47 The department is authorized to enter into  
48 contracts for the full cost of the project for which  
49 appropriations are made in this section. The state  
50 shall not be obligated for costs associated with

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1 contracts identified in this paragraph in excess of  
2 the funds appropriated by the general assembly.  
3 Payment of moneys from the appropriations in this  
4 section shall be made in a manner that does not  
5 adversely affect the tax-exempt status of any  
6 outstanding bonds issued by the tobacco settlement  
7 authority."  
8 3. Page 7, line 39, by striking the word and  
9 figure "section 505" and inserting the following:  
10 "sections 505 and 701".

- 11 4. Page 7, line 49, by striking the word and  
12 figure "section 505" and inserting the following:  
13 "sections 505 and 701".  
14 5. Page 8, line 29, by striking the word  
15 "completion".  
16 6. By renumbering, redesignating, and correcting  
17 internal references as necessary.

JEFF LAMBERTI

### S-3700

- 1 Amend the amendment, S-3613, to House File 742, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 7, line 27, by striking the figure  
5 "10,500,000" and inserting the following:  
6 "3,500,000".

JEFF LAMBERTI

### S-3701

- 1 Amend House File 577, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, by inserting after line 24 the  
4 following:  
5 "Sec. \_\_\_\_ Section 476A.2, Code 2001, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 5. This chapter shall not apply  
8 to an alternate energy production facility, as defined  
9 in section 476.42, on which construction is begun on  
10 or after July 1, 2001. This provision does not exempt  
11 an alternate energy production facility from complying  
12 with other federal, state, and local requirements in  
13 connection with construction of an alternate energy  
14 production facility.  
15 However, a proposed alternate energy production  
16 facility shall provide written notice to the board, at  
17 least thirty days prior to commencing construction of  
18 the alternate energy production facility, of at least  
19 the following information:  
20 a. The type of alternate energy production  
21 facility, including the fuel or other energy source to  
22 be utilized by the alternate energy production  
23 facility in the production of electrical energy.  
24 b. The total production capacity of the alternate  
25 energy production facility, in megawatts.  
26 c. The location of the proposed site for the  
27 alternate energy production facility.  
28 d. The proposed date of operation when the

29 alternate energy production facility is expected to be  
 30 in service."  
 31 2. By renumbering, relettering, redesignating,  
 32 and correcting internal references as necessary.

JOANN JOHNSON

**S-3702**

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 4, line 19, by striking the figure  
 5 "1,000,000" and inserting the following: "500,000".  
 6 2. Page 4, by inserting after line 19 the  
 7 following:  
 8 "\_\_\_\_. For salaries, support, and maintenance of  
 9 personnel and programs at all state parks as they  
 10 existed on April 1, 2001, recreation areas, and state  
 11 preserves, and for related miscellaneous purposes,  
 12 notwithstanding section 8.57, subsection 5, paragraph  
 13 "c":  
 14 .....\$ 500,000"  
 15 3. By renumbering as necessary.

DENNIS H. BLACK  
 JOHN P. KIBBIE  
 TOM FLYNN

**S-3703**

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 11, by inserting after line 31 the  
 5 following:  
 6 ""Sec. \_\_\_\_ 2001 Iowa Acts, House File 755,  
 7 section 30, if enacted, is amended to read as follows:  
 8 SEC. 30. Notwithstanding any contrary provision in  
 9 section 455E.11, subsection 1, Code 2001, any  
 10 ~~unnumbered or unobligated cash~~ balance in the  
 11 groundwater protection fund and in any of the accounts  
 12 within the groundwater protection fund ~~on June 30,~~  
 13 2004 not needed for expenditure in the fiscal year  
 14 beginning July 1, 2001, and ending June 30, 2002,  
 15 shall be transferred to the general fund of the  
 16 state."  
 17 2. By renumbering, redesignating, and correcting  
 18 internal references as necessary.

JEFF LAMBERTI

**S-3704**

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 7, by inserting before line 28 the  
 5 following:  
 6 "Of the funds appropriated in this subsection, the  
 7 treasurer of state in cooperation with the Iowa  
 8 telecommunications and technology commission is  
 9 authorized to enter into financing agreements under  
 10 section 12.28 for a conversion of the Iowa  
 11 communications network to asynchronous transfer mode  
 12 technology up to a maximum principal amount of  
 13 \$10,500,000. The treasurer of state shall not proceed  
 14 with a financing agreement for this project without  
 15 first receiving written confirmation from the director  
 16 of the department of management that sufficient funds  
 17 for repayment are available."

PATRICK J. DELUHERY

**S-3705**

1 Amend House File 742, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by inserting before line 24 the  
 4 following:  
 5 "DEPARTMENT OF EDUCATION  
 6 Sec. \_\_\_\_\_. There is appropriated from the rebuild  
 7 Iowa infrastructure fund to the department of  
 8 education for the fiscal year beginning July 1, 2001,  
 9 and ending June 30, 2002, the following amount, to be  
 10 used for the purpose designated:  
 11 To provide resources for structural and  
 12 technological improvements to local libraries,  
 13 notwithstanding section 8.57, subsection 5, paragraph  
 14 "c":  
 15 .....\$ 500,000"  
 16 2. By renumbering, redesignating, and correcting  
 17 internal references as necessary.

JOHN W. JENSEN

**S-3706**

1 Amend the amendment, S-3613, to House File 742, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, by inserting before line 34, the  
 5 following:

6 "Prior to entering into the option to purchase  
 7 described in this subsection, the existing  
 8 environmental audit on properties currently occupied  
 9 by metropolitan medical center shall be distributed to  
 10 all members of the general assembly. After such  
 11 distribution, the option to purchase shall be subject  
 12 to the review of the legislative council."  
 13 2. By renumbering as necessary.

MATT McCOY

**S-3707** (Amendment number not used)

**S-3708**

HOUSE AMENDMENT TO  
 SENATE FILE 531

1 Amend Senate File 531, as passed by the Senate, as  
 2 follows:

- 3 1. Page 1, line 9, by striking the figure  
 4 "1,161,514" and inserting the following: "1,211,514".
- 5 2. Page 2, line 35, by striking the figure  
 6 "1,336,347" and inserting the following: "1,513,454".
- 7 3. Page 3, line 6, by striking the figure  
 8 "5,738,784" and inserting the following: "5,988,784".
- 9 4. Page 3, line 12, by striking the figure  
 10 "1,178,248" and inserting the following: "1,228,248".
- 11 5. Page 4, line 4, by striking the figure  
 12 "722,552" and inserting the following: "818,311".
- 13 6. Page 4, by inserting after line 35 the  
 14 following:  
 15 "Sec. \_\_\_\_ DEPARTMENT OF COMMERCE -- PROFESSIONAL  
 16 LICENSING AND REGULATION -- LICENSE FEE REFUND.
- 17 1. As used in this section, "department of  
 18 commerce, professional licensing boards" means the  
 19 boards or commissions for the engineers and land  
 20 surveyors under chapter 542B, accountants under  
 21 chapter 542C, real estate brokers and salespersons  
 22 under chapter 543B, real estate appraisers under 543D,  
 23 architects under chapter 544A, and landscape  
 24 architects under chapter 544B.
- 25 2. Notwithstanding the obligation to collect fees  
 26 pursuant to the provisions of sections 542B.12,  
 27 542C.15, 543B.14, 543D.6, 544A.11, and 544B.14, for  
 28 the fiscal year beginning July 1, 2001, and ending  
 29 June 30, 2002, the professional licensing and  
 30 regulation division may refund all or a portion of  
 31 these fees to the filer pursuant to rules established  
 32 by the department of commerce, professional licensing  
 33 boards. The decision of the division not to issue a

34 refund under rules established by the department of  
35 commerce, professional licensing boards is final and  
36 not subject to review pursuant to the provisions of  
37 the Iowa administrative procedure Act."

38 7. Page 5, line 17, by striking the figure  
39 "215,129" and inserting the following: "259,129".

40 8. Page 7, line 31, by striking the figure  
41 "1,252,713" and inserting the following: "1,418,735".

42 9. Page 8, line 9, by striking the figure  
43 "126,369" and inserting the following: "143,117".

44 10. Page 8, line 14, by striking the figure  
45 "68,800" and inserting the following: "70,030".

46 11. Page 8, line 19, by striking the figure  
47 "246,859" and inserting the following: "279,576".

48 12. Page 9, line 26, by striking the figure  
49 "728,715" and inserting the following: "877,970".

50 13. Page 11, line 31, by striking the figure

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1 "1,959,844" and inserting the following: "2,260,531".

2 14. Page 11, by striking lines 33 through 35."

3 15. Page 12, line 4, by striking the figure  
4 "74,765" and inserting the following: "90,078".

5 16. By striking page 14, line 25, through page  
6 15, line 2, and inserting the following:

7 "Sec. \_\_\_\_ STATE WORKERS' COMPENSATION CLAIMS.

8 There is appropriated from the general fund of the  
9 state to the department of personnel for the fiscal  
10 year beginning July 1, 2001, and ending June 30, 2002,  
11 the following amount, or so much thereof as is  
12 necessary, to be used for the purposes designated:

13 For distribution, subject to approval of the  
14 department of management, to various state departments  
15 to fund the premiums for paying workers' compensation  
16 claims which are assessed to and collected from the  
17 state department by the department of personnel based  
18 upon a rating formula established by the department of  
19 personnel:

20 .....\$ 500,000

21 Notwithstanding section 8.39, subsections 1, 3, and  
22 4, the department of management may allocate the  
23 premium appropriated in this section to the  
24 appropriate offices, divisions, or subdivisions within  
25 each state department as necessary to pay workers'  
26 compensation premiums as recommended by the department  
27 of personnel.

28 The premiums collected by the department of  
29 personnel shall be segregated into a separate workers'  
30 compensation fund in the state treasury to be used for  
31 payment of state employees' workers' compensation  
32 claims. Notwithstanding section 8.33, unencumbered or

33 unobligated moneys remaining in this workers'  
34 compensation fund at the end of the fiscal year shall  
35 not revert but shall be available for expenditure for  
36 purposes of the fund for subsequent fiscal years.  
37 Any funds received by the department of personnel  
38 for workers' compensation purposes other than funds  
39 appropriated in this section shall be used for the  
40 payment of workers' compensation claims and  
41 administrative costs."

42 17. Page 15, line 15, by striking the figure  
43 "9,625,794" and inserting the following:  
44 "10,525,794".

45 18. Page 15, line 23, by striking the figure  
46 "10,237,208" and inserting the following:  
47 "10,837,208".

48 19. Page 17, line 9, by striking the figure  
49 "655,234" and inserting the following: "755,234".

50 20. Page 17, by inserting after line 14 the

Page 3

1 following:

2 "Of the moneys appropriated in this subsection, not  
3 more than \$2,500 shall be used to pay the expenses of  
4 the Marshall county deputy auditor to serve on a task  
5 force for elections reform for the elections center.  
6 The Marshall county deputy auditor shall show proof of  
7 expense incurred to the secretary of state to receive  
8 reimbursement."

9 21. Page 17, by inserting after line 23 the  
10 following:

11 "Sec. \_\_\_. Notwithstanding the requirement in  
12 section 9.6, that the secretary of state publish in  
13 odd-numbered years the Iowa official register, the  
14 secretary of state shall not publish the Iowa official  
15 register in the 2001 calendar year. Any references in  
16 the Code to the distribution and contents of the Iowa  
17 official register shall not apply to the 2001 and 2002  
18 calendar years.

19 Sec. \_\_\_. SECRETARY OF STATE FILING FEES REFUND.

20 Notwithstanding the obligation to collect fees  
21 pursuant to the provisions of section 490.122,  
22 subsection 1, paragraphs "a" and "s" and section  
23 504A.85, subsections 1 and 9, for the fiscal year  
24 beginning July 1, 2001, and ending June 30, 2002, the  
25 secretary of state may refund these fees to the filer  
26 pursuant to rules established by the secretary of  
27 state. The decision of the secretary of state not to  
28 issue a refund under rules established by the  
29 secretary of state is final and not subject to review  
30 pursuant to the provisions of the Iowa administrative  
31 procedure Act."

32 22. Page 17, line 32, by striking the figure  
33 "815,580" and inserting the following: "865,580".

34 23. Page 17, by inserting after line 35 the  
35 following:

36 "Sec. \_\_\_\_ 2001 Iowa Acts, House File 413, section  
37 2, if enacted, is amended to read as follows:

38 SEC. 2. SURPLUS FUNDS TRANSFERRED TO THE ENDOWMENT  
39 FOR IOWA'S HEALTH ACCOUNT.

40 1. Notwithstanding section 8.55, subsection 2, any  
41 moneys in excess of the maximum balance in the  
42 economic emergency fund after the distribution of the  
43 surplus in the general fund of the state at the  
44 conclusion of the fiscal year beginning July 1, 2000,  
45 shall ~~not be transferred to the general fund of the~~  
46 ~~state but shall be transferred to the endowment for~~  
47 ~~Iowa's health account of the tobacco settlement trust~~  
48 ~~fund. The amount transferred under this subsection~~  
49 ~~shall not exceed forty million dollars. in the~~  
50 following order as follows:

Page 4

1 a. The first one hundred sixty-three million eight  
2 hundred thousand dollars to the general fund of the  
3 state.

4 b. The next forty million dollars to the endowment  
5 for Iowa's health account of the tobacco settlement  
6 trust fund.

7 c. The remaining amount to the general fund of the  
8 state.

9 2. Notwithstanding section 8.55, subsection 2, any  
10 moneys in excess of the maximum balance in the  
11 economic emergency fund after the distribution of the  
12 surplus in the general fund of the state at the  
13 conclusion of the fiscal year beginning July 1, 2001,  
14 shall not be transferred to the general fund of the  
15 state but shall be transferred to the endowment for  
16 Iowa's health account of the tobacco settlement trust  
17 fund. The amount transferred under this subsection  
18 shall not exceed the difference between forty million  
19 dollars and the amount transferred to the endowment  
20 for Iowa's health account pursuant to subsection 1.

21 3. This section is contingent upon the  
22 establishment of the endowment for Iowa's health  
23 account of the tobacco settlement trust fund by 2001  
24 Iowa Acts, Senate File 532, if enacted."

25 24. By renumbering, relettering, or redesignating  
26 and correcting internal references as necessary.

**S-3709**

1 Amend the House amendment, S-3708, to Senate File  
2 531, as passed by the Senate, as follows:

3 1. Page 3, by inserting after line 33 the  
4 following:

5 "Sec. 101. Section 96.7, subsection 12, paragraphs  
6 a, c, and d, Code 2001, are amended to read as  
7 follows:

8 a. An employer other than a governmental entity or  
9 a nonprofit organization, subject to this chapter,  
10 shall pay an administrative contribution surcharge  
11 equal in amount to one-tenth of one percent of federal  
12 taxable wages, as defined in section 96.19, subsection  
13 37, paragraph "b", subject to the surcharge formula to  
14 be developed by the department under this paragraph.  
15 The department shall develop a surcharge formula that  
16 provides a target revenue level of no greater than six  
17 million five hundred twenty-five thousand dollars  
18 annually. The department shall reduce the  
19 administrative contribution surcharge established for  
20 any calendar year proportionate to any federal  
21 government funding that provides an increased  
22 allocation of moneys for workforce development  
23 offices, under the federal employment services  
24 financing reform legislation. Any administrative  
25 contribution surcharge revenue that is collected in  
26 2002 in excess of six million five hundred twenty-five  
27 thousand dollars shall be deducted from the amount to  
28 be collected in calendar year 2003 before the  
29 department establishes the administrative contribution  
30 surcharge. The department shall recompute the amount  
31 as a percentage of taxable wages, as defined in  
32 section 96.19, subsection 37, and shall add the  
33 percentage surcharge to the employer's contribution  
34 rate determined under this section. The percentage  
35 surcharge shall be capped at a maximum of seven  
36 dollars per employee. The department shall adopt  
37 rules prescribing the manner in which the surcharge  
38 will be collected. Interest shall accrue on all  
39 unpaid surcharges under this subsection at the same  
40 rate as on regular contributions and shall be  
41 collectible in the same manner. Interest accrued and  
42 collected under this paragraph and interest earned and  
43 credited to the fund under paragraph "b" shall be used  
44 by the department only for the purposes set forth in  
45 paragraph "c".

46 c. Moneys in the fund shall be used by the  
47 department only upon appropriation by the general  
48 assembly and only for personnel and nonpersonnel costs  
49 of rural and satellite departmental offices in  
50 population centers of less than twenty thousand ~~or for~~

Page 2

1 ~~the department approved training fund funded in~~  
2 ~~section 8, subsection 2, of 1988 Iowa Acts, chapter~~  
3 ~~1274. To the extent possible, the department shall~~  
4 ~~colocate the rural and satellite departmental offices~~  
5 ~~funded by the surcharge provided for in this~~  
6 ~~subsection at available community college facilities~~  
7 ~~throughout the state. If colocation at community~~  
8 ~~college facilities is not feasible, the department~~  
9 ~~shall attempt, to the extent possible, to colocate~~  
10 ~~offices in the facilities of other government~~  
11 ~~entities. Moneys in the fund shall not be used for~~  
12 ~~purposes other than those identified in this paragraph~~  
13 ~~or identified in the appropriation of the moneys in~~  
14 ~~the fund by the general assembly.~~

15 d. This subsection is repealed July 1, ~~2001~~ 2003,  
16 and the repeal is applicable to contribution rates for  
17 calendar year ~~2002~~ 2004 and subsequent calendar years.

18 Sec. 102. RURAL AND SATELLITE DEPARTMENTAL OFFICES

19 REVIEW. The department of workforce development shall  
20 establish performance measures for each workforce  
21 development office site based on the job seeker  
22 entered employment rate, the job seeker employment  
23 retention rate, the job seeker average wage at  
24 placement, the job seeker customer satisfaction  
25 rating, the number of employers served, and the  
26 employer customer satisfaction rating, and shall  
27 conduct an annual review of the performance measures.

28 The department, in the annual departmental offices  
29 review, shall consider the feasibility of  
30 consolidating some of the rural and satellite  
31 departmental offices to better serve the public. In  
32 addition, the department shall conduct a comprehensive  
33 analysis of the efficiency and effectiveness of the  
34 department's field office system, including the  
35 geographic distribution of the offices.

36 The department shall prepare a report of its annual  
37 departmental offices review findings that sets forth  
38 specific review findings for each office site. The  
39 report shall contain information gathered in the  
40 review as well as information concerning the success  
41 of colocation efforts at community colleges throughout  
42 the state, the services provided to employers with  
43 fifty or fewer employees, the rent or lease costs  
44 associated with each office site and the building  
45 square footage at each office site, and efforts to  
46 pursue other funding sources.

47 The department shall submit a report of its annual  
48 departmental offices review to the governor and  
49 general assembly by December 21, 2001, by December 21,  
50 2002, and by December 21, 2003.

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1 Sec. \_\_\_\_ EFFECTIVE DATE. Sections 101 and 102 of  
2 this Act, being deemed of immediate importance, take  
3 effect upon enactment."

BETTY A. SOUKUP  
DENNIS H. BLACK  
JACK HOLVECK  
MARK SHEARER  
THOMAS FIEGEN  
PATRICK J. DELUHERY  
MIKE CONNOLLY  
EUGENE S. FRAISE  
WALLY E. HORN  
MATT McCOY  
BILL FINK  
JOHNIE HAMMOND  
STEVEN D. HANSEN  
JOE BOLKCOM  
PATRICIA HARPER  
MICHAEL E. GRONSTAL  
ROBERT E. DVORSKY

**AMENDMENTS FILED**

**During the**

**Seventy-Ninth General Assembly**

**2001 Extraordinary Session**

S-3710

1 Amend the amendment, S-3698, to House File 696, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 25, by inserting after the word  
5 "in" the following: "calendar year".

6 2. Page 2, by inserting after line 14 the  
7 following:

8 "(1) Moneys in the fund may be used to provide any  
9 of the following services to businesses:

10 (a) Use of a business representative to build one-  
11 on-one relationships with businesses. A business  
12 representative may provide any of the following:

13 (i) Workforce consulting in the form of customized  
14 strategies to attract, retain, and upgrade the skills  
15 of an employer's workforce.

16 (ii) General and customized recruitment.

17 (iii) Workplace skill testing and analysis in the  
18 form of skill level, aptitude, and ability assessment.

19 (iv) Employer specific job descriptions, employee  
20 handbooks, applications, and other relevant personnel  
21 forms.

22 (b) Labor market surveys and analyses which may  
23 include the compilation and dissemination of  
24 occupational and wage information.

25 (c) Contact information and referral services  
26 related to any of the following issues:

27 (i) Workers' compensation.

28 (ii) Wage and worker rights.

29 (iii) Registration.

30 (iv) The federal Occupational Safety and Health  
31 Act of 1970 and occupational safety and health  
32 standards.

33 (v) Boiler and elevator regulations.

34 (vi) Contractor registration.

35 (vii) Immigration services.

36 (viii) Unemployment contributions.

37 (d) A statewide computer networking process for  
38 employers and individuals regarding available  
39 positions and qualified applicants.

40 (e) Crosstraining services for workforce  
41 development staff.

42 (2) Moneys in the fund may be used to provide any  
43 of the following services to individuals:

44 (a) Outreach, intake, and orientation services  
45 related to any of the following:

46 (i) Job search and interviewing assistance.

47 (ii) Initial assessment of skill levels,  
48 aptitudes, abilities, and support service needs.

49 (iii) Proficiency testing.

50 (iv) Resume development and preparation.

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1 (v) Referral to training and customized skill  
2 upgrading.

3 (vi) Career counseling including assessment and  
4 analysis.

5 (b) Contact information and referral for  
6 supportive services including but not limited to  
7 transportation, housing, and child care.

8 (c) Labor market surveys and analyses.

9 (d) Job development and placement services.

10 (e) Resource centers that provide individuals with  
11 computer access for electronic job search, resume  
12 development, career exploration, and keyboard and  
13 software training. A resource center may also be  
14 equipped with employment, training, and career  
15 information including but not limited to employment  
16 opportunities available with local employers.

17 (f) Information and assistance with filing for  
18 unemployment compensation benefits.

19 (3) Moneys in the fund shall not be used for any  
20 of the following purposes:

21 (a) Services that are not included in  
22 subparagraphs (1) and (2).

23 (b) Unemployment tax system renovation and  
24 computer upgrades.

25 (c) Specific consultation services relating to the  
26 federal Occupational Safety and Health Act of 1970 and  
27 occupational safety and health standards.

28 (d) Services which are currently provided by other  
29 state agencies.

30 (e) Workforce development regional advisory board  
31 member expenses.

32 (f) Supportive services including but not limited  
33 to transportation, housing, and child care."

34 3. Page 2, by inserting after line 50 the  
35 following:

36 "Sec. \_\_. PILOT PROJECTS -- FEE-BASED SERVICES.

37 The department of workforce development shall  
38 establish pilot projects for the purpose of evaluating  
39 the feasibility of charging and collecting fees for  
40 certain customized or enhanced employer services. In  
41 every annual departmental office review, the  
42 department shall include the results of the pilot  
43 projects, including the number and type of fee-based  
44 services provided, the amount of revenue generated,  
45 and the cost basis for the establishment of the fees."

46 4. By renumbering as necessary.

STEWART IVERSON, JR.

**S-3711**

1 Amend Senate Resolution 52 as follows:  
 2 1. Page 2, by inserting after line 10 the  
 3 following:  
 4 "WHEREAS, child labor protections, labor rights  
 5 considerations, and environmental protection  
 6 considerations are issues of great significance which  
 7 should be addressed in any trade agreement entered  
 8 into by the United States; and".  
 9 2. Page 2, by inserting after line 19 the  
 10 following:  
 11 "BE IT FURTHER RESOLVED, That, in working to  
 12 implement a renewal of the trade promotion authority  
 13 of the President of the United States, the Iowa  
 14 congressional delegation is urged to support the  
 15 inclusion of a requirement upon the President of the  
 16 United States to make child labor protections, labor  
 17 rights considerations, and environmental protections  
 18 considerations a part of any trade agreement  
 19 negotiation conducted under the trade promotion  
 20 authority; and".

JOHN P. KIBBIE

**S-3712**

1 Amend House File 698, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 3, by striking the figure "1."  
 4 2. Page 1, line 7, by striking the words "review  
 5 power purchase contracts" and inserting the following:  
 6 "perform required functions, including but not limited  
 7 to, review of power purchase contracts, review of  
 8 emission plans and budgets, and review of ratemaking  
 9 principles proposed for construction or lease of a new  
 10 generating facility".  
 11 3. Page 1, line 13, by striking the word  
 12 "subsection" and inserting the word "section".  
 13 4. Page 1, by striking lines 16 through 27.  
 14 5. Page 1, by inserting before line 28, the  
 15 following:  
 16 "Sec. \_\_\_. WORKFORCE ATTRITION PROGRAM AND FUND.  
 17 1. For the fiscal year beginning July 1, 2001, and  
 18 ending June 30, 2002, the department of management  
 19 shall establish a workforce attrition program. The  
 20 department shall administer the program as necessary  
 21 to achieve the goal of eliminating full-time  
 22 equivalent positions in the executive branch of state  
 23 government that approximate the number of executive  
 24 branch employees who voluntarily retire during the

25 fiscal year.

26 2. a. The department shall establish a workforce  
27 attrition fund to receive transfers of moneys from  
28 executive branch agencies and departments representing  
29 unused general fund wages and benefits, after payment  
30 for vacation or sick leave benefits, of employees who  
31 retire during the fiscal year.

32 b. Unless an exception is authorized in accordance  
33 with paragraph "c", if an employee of an executive  
34 branch department or agency voluntarily retires during  
35 the fiscal year, the department or agency shall  
36 transfer to the workforce attrition fund the remaining  
37 amount of general fund salary and benefits, after  
38 payment for vacation or sick leave benefits, that  
39 would have been expended had the retired employee  
40 remained on the payroll for the balance of the fiscal  
41 year. In lieu of reporting in accordance with section  
42 8.39, the department of management shall report  
43 monthly to the legislative fiscal committee and the  
44 legislative fiscal bureau concerning the transfers  
45 made to the workforce attrition fund.

46 c. The department or agency table of organization  
47 shall be revised to reflect the elimination of an  
48 equivalent number of positions as retire in the  
49 department or agency during the fiscal year. However,  
50 if the department determines that eliminating a full-

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1 time equivalent position would severely impact the  
2 department's or agency's mission or services, the  
3 department or agency may appeal to the department of  
4 management for an exception. If the department of  
5 management concurs with the department's or agency's  
6 determination, the exception shall be granted, the  
7 transfer to the workforce attrition fund shall not be  
8 made, and the table of organization shall not be  
9 revised.

10 3. Moneys transferred to the workforce attrition  
11 fund are not subject to further transfer under section  
12 8.39 or any other provision of law and shall not be  
13 encumbered or obligated unless appropriated. The  
14 moneys in the workforce attrition fund at the close of  
15 the fiscal year beginning July 1, 2001, shall be  
16 transferred to the general fund of the state and the  
17 program and fund shall be eliminated."

18 6. Page 1, by inserting before line 28 the  
19 following:

20 "Sec. \_\_\_\_ Section 12.72, subsection 4, Code 2001,  
21 is amended by striking the subsection and inserting in  
22 lieu thereof the following:

23 4. a. The treasurer of state may create and

24 establish one or more special funds, to be known as  
25 "bond reserve funds", to secure one or more issues of  
26 bonds or notes issued pursuant to section 12.71. The  
27 treasurer of state shall pay into each bond reserve  
28 fund any moneys appropriated and made available by the  
29 state or the treasurer for the purpose of the fund,  
30 any proceeds of sale of notes or bonds to the extent  
31 provided in the resolutions authorizing their  
32 issuance, and any other moneys which may be available  
33 to the treasurer for the purpose of the fund from any  
34 other sources. All moneys held in a bond reserve  
35 fund, except as otherwise provided in this chapter,  
36 shall be used as required solely for the payment of  
37 the principal of bonds secured in whole or in part by  
38 the fund or of the sinking fund payments with respect  
39 to the bonds, the purchase or redemption of the bonds,  
40 the payment of interest on the bonds, or the payments  
41 of any redemption premium required to be paid when the  
42 bonds are redeemed prior to maturity.  
43 b. Moneys in a bond reserve fund shall not be  
44 withdrawn from it at any time in an amount that will  
45 reduce the amount of the fund to less than the bond  
46 reserve fund requirement established for the fund, as  
47 provided in this subsection, except for the purpose of  
48 making, with respect to bonds secured in whole or in  
49 part by the fund, payment when due of principal,  
50 interest, redemption premiums, and the sinking fund

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1 payments with respect to the bonds for the payment of  
2 which other moneys of the treasurer are not available.  
3 Any income or interest earned by, or incremental to, a  
4 bond reserve fund due to the investment of it may be  
5 transferred by the treasurer to other funds or  
6 accounts to the extent the transfer does not reduce  
7 the amount of that bond reserve fund below the bond  
8 reserve fund requirement for it.  
9 c. The treasurer of state shall not at any time  
10 issue bonds, secured in whole or in part by a bond  
11 reserve fund if, upon the issuance of the bonds, the  
12 amount in the bond reserve fund will be less than the  
13 bond reserve fund requirement for the fund, unless the  
14 treasurer at the time of issuance of the bonds  
15 deposits in the fund from the proceeds of the bonds  
16 issued or from other sources an amount which, together  
17 with the amount then in the fund will not be less than  
18 the bond reserve fund requirement for the fund. For  
19 the purposes of this subsection, the term "bond  
20 reserve fund requirement" means, as of any particular  
21 date of computation, an amount of money, as provided  
22 in the resolutions authorizing the bonds with respect

23 to which the fund is established.

24 d. To assure the continued solvency of any bonds  
25 secured by the bond reserve fund, provision is made in  
26 paragraph "a" for the accumulation in each bond  
27 reserve fund of an amount equal to the bond reserve  
28 fund requirement for the fund. In order further to  
29 assure maintenance of the bond reserve funds, the  
30 treasurer shall, on or before January 1 of each  
31 calendar year, make and deliver to the governor the  
32 treasurer's certificate stating the sum, if any,  
33 required to restore each bond reserve fund to the bond  
34 reserve fund requirement for that fund. Within thirty  
35 days after the beginning of the session of the general  
36 assembly next following the delivery of the  
37 certificate, the governor shall submit to both houses  
38 printed copies of a budget including the sum, if any,  
39 required to restore each bond reserve fund to the bond  
40 reserve fund requirement for that fund. Any sums  
41 appropriated by the general assembly and paid to the  
42 treasurer pursuant to this subsection shall be  
43 deposited by the authority in the applicable bond  
44 reserve fund.

45 Sec. \_\_\_\_ Section 12.82, subsection 4, Code 2001,  
46 is amended by striking the subsection and inserting in  
47 lieu thereof the following:

48 4. a. The treasurer of state may create and  
49 establish one or more special funds, to be known as  
50 "bond reserve funds", to secure one or more issues of

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1 bonds or notes issued pursuant to section 12.81. The  
2 treasurer of state shall pay into each bond reserve  
3 fund any moneys appropriated and made available by the  
4 state or the treasurer for the purpose of the fund,  
5 any proceeds of sale of notes or bonds to the extent  
6 provided in the resolutions authorizing their  
7 issuance, and any other moneys which may be available  
8 to the treasurer for the purpose of the fund from any  
9 other sources. All moneys held in a bond reserve  
10 fund, except as otherwise provided in this chapter,  
11 shall be used as required solely for the payment of  
12 the principal of bonds secured in whole or in part by  
13 the fund or of the sinking fund payments with respect  
14 to the bonds, the purchase or redemption of the bonds,  
15 the payment of interest on the bonds, or the payments  
16 of any redemption premium required to be paid when the  
17 bonds are redeemed prior to maturity.

18 b. Moneys in a bond reserve fund shall not be  
19 withdrawn from it at any time in an amount that will  
20 reduce the amount of the fund to less than the bond  
21 reserve fund requirement established for the fund, as

22 provided in this subsection, except for the purpose of  
23 making, with respect to bonds secured in whole or in  
24 part by the fund, payment when due of principal,  
25 interest, redemption premiums, and the sinking fund  
26 payments with respect to the bonds for the payment of  
27 which other moneys of the treasurer are not available.  
28 Any income or interest earned by, or incremental to, a  
29 bond reserve fund due to the investment of it may be  
30 transferred by the treasurer to other funds or  
31 accounts to the extent the transfer does not reduce  
32 the amount of that bond reserve fund below the bond  
33 reserve fund requirement for it.

34 c. The treasurer of state shall not at any time  
35 issue bonds, secured in whole or in part by a bond  
36 reserve fund if, upon the issuance of the bonds, the  
37 amount in the bond reserve fund will be less than the  
38 bond reserve fund requirement for the fund, unless the  
39 treasurer at the time of issuance of the bonds  
40 deposits in the fund from the proceeds of the bonds  
41 issued or from other sources an amount which, together  
42 with the amount then in the fund will not be less than  
43 the bond reserve fund requirement for the fund. For  
44 the purposes of this subsection, the term "bond  
45 reserve fund requirement" means, as of any particular  
46 date of computation, an amount of money, as provided  
47 in the resolutions authorizing the bonds with respect  
48 to which the fund is established.

49 d. To assure the continued solvency of any bonds  
50 secured by the bond reserve fund, provision is made in

Page 5

1 paragraph "a" for the accumulation in each bond  
2 reserve fund of an amount equal to the bond reserve  
3 fund requirement for the fund. In order further to  
4 assure maintenance of the bond reserve funds, the  
5 treasurer shall, on or before January 1 of each  
6 calendar year, make and deliver to the governor the  
7 treasurer's certificate stating the sum, if any,  
8 required to restore each bond reserve fund to the bond  
9 reserve fund requirement for that fund. Within thirty  
10 days after the beginning of the session of the general  
11 assembly next following the delivery of the  
12 certificate, the governor shall submit to both houses  
13 printed copies of a budget including the sum, if any,  
14 required to restore each bond reserve fund to the bond  
15 reserve fund requirement for that fund. Any sums  
16 appropriated by the general assembly and paid to the  
17 treasurer pursuant to this subsection shall be  
18 deposited by the authority in the applicable bond  
19 reserve fund."

20 7. Page 1, by inserting before line 28, the

21 following:

22 "Sec. \_\_. 1998 Iowa Acts, chapter 1219, section  
23 6, subsection 6, is amended by adding the following  
24 new paragraphs:

25 NEW PARAGRAPH. a. The department of general  
26 services is authorized pursuant to section 18.12,  
27 subsection 12, to dispose of the real property located  
28 at the northwest corner of the intersection of Grand  
29 and Pennsylvania avenues on which the parking  
30 structure is to be located and any structures located  
31 on such real property. The department may enter into  
32 an agreement under chapter 28E with public and private  
33 agencies for purposes of the planning, design,  
34 construction, ownership, operation, or maintenance of  
35 the parking structure. In conjunction with the  
36 chapter 28E agreement, the department is authorized to  
37 enter into a long-term lease agreement for office  
38 space located on property adjacent to the property on  
39 which the parking structure is to be located.  
40 NEW PARAGRAPH. b. The department may obligate and  
41 use moneys appropriated in this subsection as  
42 consideration to acquire on behalf of the state an  
43 interest in the completed parking structure and real  
44 property on which the parking structure is located  
45 pursuant to the terms of the chapter 28E agreement  
46 described in paragraph "a". Notwithstanding anything  
47 to the contrary in section 18.12, subsection 12,  
48 moneys expended from the appropriation in this  
49 subsection that are reimbursed to the department by a  
50 party to the chapter 28E agreement shall be credited

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1 to the appropriation in this subsection and shall be  
2 used to acquire an interest on behalf of the state in  
3 the completed parking structure and real property as  
4 described in this paragraph.  
5 NEW PARAGRAPH. c. Notwithstanding section 8.33 or  
6 any provision of this section to the contrary,  
7 unencumbered or unobligated funds remaining on June  
8 30, 2003, from the funds appropriated in this  
9 subsection, shall revert to the rebuild Iowa  
10 infrastructure fund on August 31, 2003.

11 Sec. \_\_. 1999 Iowa Acts, chapter 204, section 4,  
12 subsection 6, is amended by adding the following new  
13 paragraphs after the last unnumbered paragraph:

14 NEW PARAGRAPH. a. The department of general  
15 services is authorized pursuant to section 18.12,  
16 subsection 12, to dispose of the real property located  
17 at the northwest corner of the intersection of Grand  
18 and Pennsylvania avenues on which the parking  
19 structure is to be located and any structures located

20 on such real property. The department may enter into  
21 an agreement under chapter 28E with public and private  
22 agencies for purposes of the planning, design,  
23 construction, ownership, operation, or maintenance of  
24 the parking structure. In conjunction with the  
25 chapter 28E agreement, the department is authorized to  
26 enter into a long-term lease agreement for office  
27 space located on property adjacent to the property on  
28 which the parking structure is to be located.

29 NEW PARAGRAPH. b. The department may obligate and  
30 use moneys appropriated in this subsection as  
31 consideration to acquire on behalf of the state an  
32 interest in the completed parking structure and real  
33 property on which the parking structure is located  
34 pursuant to the terms of the chapter 28E agreement  
35 described in paragraph "a". Notwithstanding anything  
36 to the contrary in section 18.12, subsection 12,  
37 moneys expended from the appropriation in this  
38 subsection that are reimbursed to the department by a  
39 party to the chapter 28E agreement shall be credited  
40 to the appropriation in this subsection and shall be  
41 used to acquire an interest on behalf of the state in  
42 the completed parking structure and real property as  
43 described in this paragraph.

44 NEW PARAGRAPH. c. Notwithstanding section 8.33,  
45 or any provision of this Act to the contrary,  
46 unencumbered or unobligated funds remaining on June  
47 30, 2003, from the funds appropriated in this  
48 subsection, shall revert to the rebuild Iowa  
49 infrastructure fund on August 31, 2003."

50 8. Page 1, by inserting before line 28, the

Page 7

- 1 following:
- 2 "Sec. \_\_\_\_ EFFECTIVE AND APPLICABILITY DATES.
- 3 This Act, being deemed of immediate importance, takes
- 4 effect upon enactment and, if approved by the governor
- 5 after July 1, 2001, shall apply retroactively to July
- 6 1, 2001."
- 7 9. Title page, by striking lines 1 through 3 and
- 8 inserting the following: "An Act relating to
- 9 regulatory and expenditure matters, making
- 10 appropriations, and including effective date and
- 11 retroactive applicability provisions."
- 12 10. By renumbering as necessary.

JEFF LAMBERTI

**S-3713**

1 Amend House File 577, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 12C.1, subsection 1, Code  
6 2001, as amended by 2001 Iowa Acts, House File 637,  
7 section 4, is amended to read as follows:  
8 1. All funds held by the following officers or  
9 institutions shall be deposited in one or more  
10 depositories first approved by the appropriate  
11 governing body as indicated: for the treasurer of  
12 state, by the executive council; for judicial officers  
13 and court employees, by the supreme court; for the  
14 county treasurer, recorder, auditor, and sheriff, by  
15 the board of supervisors; for the city treasurer or  
16 other designated financial officer of a city, by the  
17 city council; for the county public hospital or merged  
18 area hospital, by the board of hospital trustees; for  
19 a memorial hospital, by the memorial hospital  
20 commission; for a school corporation, by the board of  
21 school directors; for a city utility or combined  
22 utility system established under chapter 388, by the  
23 utility board; for a library service area established  
24 under chapter 256, by the library service area board  
25 of trustees; and for an electric power agency as  
26 defined in section 28F.2 or 476A.20, by the governing  
27 body of the electric power agency. However, the  
28 treasurer of state and the treasurer of each political  
29 subdivision or the designated financial officer of a  
30 city shall invest all funds not needed for current  
31 operating expenses in time certificates of deposit in  
32 approved depositories pursuant to this chapter or in  
33 investments permitted by section 12B.10. The list of  
34 public depositories and the amounts severally  
35 deposited in the depositories are matters of public  
36 record. This subsection does not limit the definition  
37 of "public funds" contained in subsection 2.  
38 Notwithstanding provisions of this section to the  
39 contrary, public funds of a state government deferred  
40 compensation plan established by the executive council  
41 may also be invested in the investment products  
42 authorized under section 509A.12.  
43 Sec. 2. Section 12C.1, subsection 2, paragraph b,  
44 Code 2001, is amended to read as follows:  
45 b. "Public funds" and "public deposits" mean the  
46 moneys of the state or a political subdivision or  
47 instrumentality of the state including a county,  
48 school corporation, special district, drainage  
49 district, unincorporated town or township,  
50 municipality, or municipal corporation or any agency,

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1 board, or commission of the state or a political  
2 subdivision; any court or public body noted in  
3 subsection 1; a legal or administrative entity created  
4 pursuant to chapter 28E; an electric power agency as  
5 defined in section 28F.2 or 476A.20; and federal and  
6 state grant moneys of a quasi-public state entity that  
7 are placed in a depository pursuant to this chapter.

8 Sec. 3. Section 28F.2, Code 2001, is amended to  
9 read as follows:

10 28F.2 DEFINITIONS.

11 As used in this chapter, unless the context

12 otherwise requires:

13 1. The terms "public "Public agency", "state", and  
14 "private agency" shall have the meanings prescribed by  
15 section 28E.2.

16 2. The term "~~project~~" "Project" or "projects"  
17 ~~shall mean means~~ any works or facilities referred to  
18 in section 28F.1 and shall include all property real  
19 and personal, pertinent thereto or connected with such  
20 project or projects, and the existing works or  
21 facilities, if any, to which such project or projects  
22 are an extension, addition, betterment or improvement.

23 3. "Electric power agency" means an entity  
24 financing or acquiring electric power facilities  
25 pursuant to this chapter or chapter 28E or 476A.

26 Sec. 4. Section 427.1, subsection 2, Code 2001, is  
27 amended to read as follows:

28 2. MUNICIPAL AND MILITARY PROPERTY. The property  
29 of a county, township, city, school corporation, levee  
30 district, drainage district, or the Iowa national  
31 guard, when devoted to public use and not held for  
32 pecuniary profit, except property of a municipally  
33 owned electric utility held under joint ownership and  
34 property of an electric power facility financed under  
35 chapter 28F ~~which~~ or 476A that shall be subject to  
36 taxation under chapter 437A and facilities of a  
37 municipal utility that are used for the provision of  
38 local exchange services pursuant to chapter 476, but  
39 only to the extent such facilities are used to provide  
40 such services, which shall be subject to taxation  
41 under chapter 433, except that section 433.11 shall  
42 not apply. The exemption for property owned by a city  
43 or county also applies to property which is operated  
44 by a city or county as a library, art gallery or  
45 museum, conservatory, botanical garden or display,  
46 observatory or science museum, or as a location for  
47 holding athletic contests, sports or entertainment  
48 events, expositions, meetings or conventions, or  
49 leased from the city or county for any such purposes,  
50 or leased from the city or county by the Iowa national

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1 guard or by a federal agency for the benefit of the  
2 Iowa national guard when devoted for public use and  
3 not for pecuniary profit. Food and beverages may be  
4 served at the events or locations without affecting  
5 the exemptions, provided the city has approved the  
6 serving of food and beverages on the property if the  
7 property is owned by the city or the county has  
8 approved the serving of food and beverages on the  
9 property if the property is owned by the county.

10 Sec. 5. Section 437A.3, subsection 17, paragraph  
11 b, Code 2001, is amended to read as follows:

12 b. An electric power generating plant where the  
13 acquisition cost of all interests acquired exceeds ten  
14 million dollars. For purposes of this paragraph,  
15 "electric power generating plant" means each nameplate  
16 rated electric power generating plant owned solely or  
17 jointly by any person or electric power facility  
18 financed under the provisions of chapter 28F or 476A  
19 in which electrical energy is produced from other  
20 forms of energy, including all equipment used in the  
21 production of such energy through its step-up  
22 transformer.

23 Sec. 6. Section 437A.6, subsection 1, paragraph b,  
24 Code 2001, is amended to read as follows:

25 b. Facilities owned by or leased to a municipal  
26 utility when devoted to public use and not held for  
27 pecuniary profit, except facilities of a municipally  
28 owned electric utility held under joint ownership or  
29 lease and facilities of an electric power facility  
30 financed under chapter 28F or 476A.

31 Sec. 7. Section 437A.7, subsection 2, paragraph a,  
32 Code 2001, is amended to read as follows:

33 a. Transmission lines owned by or leased to a  
34 municipal utility when devoted to public use and not  
35 for pecuniary profit, except transmission lines of a  
36 municipally owned electric utility held under joint  
37 ownership and transmission lines of an electric power  
38 facility financed under chapter 28F or 476A.

39 Sec. 8. Section 476.1A, Code 2001, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 5A. Filing alternate energy  
42 purchase program plans with the board, and offering  
43 such programs to customers, pursuant to section  
44 476.47.

45 Sec. 9. Section 476.1B, subsection 1, Code 2001,  
46 is amended by adding the following new paragraphs:

47 NEW PARAGRAPH. m. An electric power agency as  
48 defined in chapters 28F and 476A that includes as a  
49 member a city or municipally owned utility that builds  
50 transmission facilities after July 1, 2001, is subject

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1 to applicable transmission reliability rules or  
2 standards adopted by the board for those facilities.

3 n. Filing alternate energy purchase program plans  
4 with the board, and offering such programs to  
5 customers, pursuant to section 476.47.

6 Sec. 10. Section 476.6, Code 2001, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 16B. ELECTRIC POWER GENERATING  
9 FACILITY EMISSIONS.

10 a. It is the intent of the general assembly that  
11 the state, through a collaborative effort involving  
12 state agencies and affected generation owners, provide  
13 for compatible statewide environmental and electric  
14 energy policies with respect to regulated emissions  
15 from rate-regulated electric power generating  
16 facilities in the state that are fueled by coal. Each  
17 rate-regulated public utility that is an owner of one  
18 or more electric power generating facilities fueled by  
19 coal and located in this state on July 1, 2001, shall  
20 develop a multiyear plan and budget for managing  
21 regulated emissions from its facilities in a cost-  
22 effective manner.

23 (1) The initial multiyear plan and budget shall be  
24 filed with the board by April 1, 2002. Updates to the  
25 plan and budget shall be filed at least every twenty-  
26 four months.

27 (2) Copies of the initial plan and budget, as well  
28 as any subsequent updates, shall be served on the  
29 environmental protection division of the department of  
30 natural resources.

31 (3) The initial multiyear plan and budget and any  
32 subsequent updates shall be considered in a contested  
33 case proceeding pursuant to chapter 17A. The  
34 environmental protection division of the department of  
35 natural resources and the consumer advocate shall  
36 participate as parties to the proceeding.

37 (4) The department of natural resources shall  
38 state whether the plan or update meets applicable  
39 state environmental requirements for regulated  
40 emissions. If the plan does not meet these  
41 requirements, the department shall recommend  
42 amendments that outline actions necessary to bring the  
43 plan or update into compliance with the environmental  
44 requirements.

45 b. The board shall not approve a plan or update  
46 that does not meet applicable state environmental  
47 requirements and federal ambient air quality standards  
48 for regulated emissions from electric power generating  
49 facilities located in the state.

50 c. The board shall review the plan or update and

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1 the associated budget, and shall approve the plan or  
2 update and the associated budget if the plan or update  
3 and the associated budget are reasonably expected to  
4 achieve cost effective compliance with applicable  
5 state environmental requirements and federal ambient  
6 air quality standards. In reaching its decision, the  
7 board shall consider whether the plan or update and  
8 the associated budget reasonably balance costs,  
9 environmental requirements, economic development  
10 potential, and the reliability of the electric  
11 generation and transmission system.

12 d. The board shall issue an order approving or  
13 rejecting a plan, update, or budget within one hundred  
14 eighty days after the public utility's filing is  
15 deemed complete; however, upon good cause shown, the  
16 board may extend the time for issuing the order as  
17 follows:

18 (1) The board may grant an extension of thirty  
19 days.

20 (2) The board may grant more than one extension,  
21 but each extension must rely upon a separate showing  
22 of good cause.

23 (3) A subsequent extension must not be granted any  
24 earlier than five days prior to the expiration of the  
25 original one-hundred-eighty-day period, or the current  
26 extension.

27 e. The reasonable costs incurred by a rate-  
28 regulated public utility in preparing and filing the  
29 plan, update, or budget and in participating in the  
30 proceedings before the board and the reasonable costs  
31 associated with implementing the plan, update, or  
32 budget shall be included in its regulated retail  
33 rates.

34 f. It is the intent of the general assembly that  
35 the board, in an environmental plan, update, or  
36 associated budget filed under this section by a rate-  
37 regulated public utility, may limit investments or  
38 expenditures that are proposed to be undertaken prior  
39 to the time that the environmental benefit to be  
40 produced by the investment or expenditure would be  
41 required by state or federal law.

42 g. The board shall report to the general assembly  
43 by January 21, 2003, on the appropriateness and  
44 desirability of requiring the municipal utilities and  
45 the rural electric cooperatives to file multiyear  
46 plans and budgets for managing regulated emissions  
47 from their electric power generating facilities fueled  
48 by coal and located in this state, similar to the  
49 process required for rate-regulated public utilities  
50 under this subsection.

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1 Sec. 11. NEW SECTION. 476.47 ALTERNATE ENERGY  
2 PURCHASE PROGRAMS.

3 1. Beginning January 1, 2004, all electric  
4 utilities, whether or not rate-regulated under this  
5 chapter, shall offer alternate energy purchase  
6 programs to all customers, based on energy produced by  
7 alternate energy production facilities in Iowa.

8 2. The board shall require electric utilities to  
9 file plans for alternate energy purchase programs  
10 offered pursuant to this section.

11 a. Rate-regulated electric utilities shall file  
12 plans for alternate energy purchase programs that  
13 allow customers to contribute voluntarily to the  
14 development of alternate energy in Iowa, and shall  
15 file tariffs as required by the board by rule.

16 b. Electric utilities that are not rate-regulated  
17 shall offer alternate energy purchase programs at  
18 rates determined by their governing authority, and  
19 shall file tariffs with the board for informational  
20 purposes only.

21 3. The electric utility shall notify consumers of  
22 its alternate energy purchase program and any proposed  
23 modifications to such program at least sixty days  
24 prior to implementation of the program or any  
25 modification.

26 4. For purposes of this section, an electric  
27 utility may base its program on energy produced by an  
28 alternate energy production facility located outside  
29 of Iowa under any of the following circumstances:

30 a. The energy is purchased by the electric utility  
31 pursuant to a contract in effect prior to July 1,  
32 2001, and continues until the expiration of the  
33 contract, including any options to renew that are  
34 exercised by the electric utility.

35 b. The electric utility has a financial interest,  
36 as of July 1, 2001, in the alternate energy production  
37 facility that is located outside of Iowa, or in an  
38 entity that has a financial interest in an alternate  
39 energy production facility located outside of Iowa.

40 c. The energy is purchased by an electric utility  
41 that is not rate-regulated and that is required to  
42 purchase all of its electric power requirements from a  
43 single supplier that is physically located outside of  
44 Iowa.

45 5. This section shall not apply to non-rate-  
46 regulated electric utilities physically located  
47 outside of Iowa that serve Iowa customers.

48 Sec. 12. Section 476.53, Code 2001, is amended by  
49 striking the section and inserting in lieu thereof the  
50 following:

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1 476.53 ELECTRIC GENERATING AND TRANSMISSION  
2 FACILITIES.

3 1. It is the intent of the general assembly to  
4 attract the development of electric power generating  
5 and transmission facilities within the state in  
6 sufficient quantity to ensure reliable electric  
7 service to Iowa consumers and provide economic  
8 benefits to the state.

9 2. The general assembly's intent with regard to  
10 the development of electric power generating and  
11 transmission facilities, as provided in subsection 1,  
12 shall be implemented in a manner that is cost-  
13 effective and compatible with the environmental  
14 policies of the state, as expressed in Title XI.

15 3. a. If a rate-regulated public utility files an  
16 application pursuant to section 476A.3 to construct in  
17 Iowa a baseload electric power generating facility  
18 with a nameplate generating capacity equal to or  
19 greater than three hundred megawatts or a combined-  
20 cycle electric power generating facility, or an  
21 alternate energy production facility as defined in  
22 section 476.42, or if a rate-regulated public utility  
23 leases or owns in Iowa, in whole or in part, a new  
24 baseload electric power generating facility with a  
25 nameplate generating capacity equal to or greater than  
26 three hundred megawatts or a combined-cycle electric  
27 power generating facility, or a new alternate energy  
28 production facility as defined in section 476.42, the  
29 board shall specify in advance, by order issued after  
30 a contested case proceeding, the ratemaking principles  
31 that will apply when the costs of the facility are  
32 included in regulated electric rates.

33 b. In determining the applicable ratemaking  
34 principles, the board shall not be limited to  
35 traditional ratemaking principles or traditional cost  
36 recovery mechanisms.

37 c. In determining the applicable ratemaking  
38 principles, the board shall make the following  
39 findings:

40 (1) The rate-regulated public utility has in  
41 effect a board-approved energy efficiency plan as  
42 required under section 476.6, subsection 19.

43 (2) The rate-regulated public utility has  
44 demonstrated to the board that the public utility has  
45 considered other sources for long-term electric supply  
46 and that the facility or lease is reasonable when  
47 compared to other feasible alternative sources of  
48 supply. The rate-regulated public utility may satisfy  
49 the requirements of this subparagraph through a  
50 competitive bidding process, under rules adopted by

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1 the board, that demonstrate the facility or lease is a  
2 reasonable alternative to meet its electric supply  
3 needs.

4 d. The applicable ratemaking principles shall be  
5 determined in a contested case proceeding, which  
6 proceeding may be combined with the proceeding for  
7 issuance of a certificate conducted pursuant to  
8 chapter 476A.

9 e. The order setting forth the applicable  
10 ratemaking principles shall be issued prior to the  
11 commencement of construction or lease of the facility.

12 f. Following issuance of the order, the rate-  
13 regulated public utility shall have the option of  
14 proceeding with construction or lease of the facility  
15 in Iowa, or withdrawing its application for a  
16 certificate under chapter 476A.

17 g. Notwithstanding any provision of this chapter  
18 to the contrary, the ratemaking principles established  
19 by the order issued pursuant to paragraph "e" shall be  
20 binding with regard to the specific electric power  
21 generating facility in any subsequent rate proceeding.

22 Sec. 13. Section 476A.4, Code 2001, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 5. A proceeding for the issuance  
25 of a certificate under section 476A.5 may be  
26 consolidated with a contested case proceeding for  
27 determination of applicable ratemaking principles  
28 under section 476.53.

29 Sec. 14. Section 476A.6, Code 2001, is amended to  
30 read as follows:

31 476A.6 DECISION -- CRITERIA.

32 The board shall render a decision on the  
33 application in an expeditious manner. A certificate  
34 shall be issued to the applicant if the board finds  
35 all of the following:

36 1. The services and operations resulting from the  
37 construction of the facility are ~~required by the~~  
38 ~~present or future public convenience, use and~~  
39 ~~necessity consistent with legislative intent as~~  
40 expressed in section 476.53 and the economic  
41 development policy of the state as expressed in Title  
42 I, subtitle 5, and will not be detrimental to the  
43 provision of adequate and reliable electric service.

44 2. The applicant is willing to ~~perform such~~  
45 ~~services and~~ construct, maintain, and operate the  
46 facility pursuant to the provisions of the certificate  
47 and this chapter.

48 3. The construction, maintenance, and operation of  
49 the facility will ~~cause minimum adverse~~ be consistent  
50 with reasonable land use, and environmental, ~~and~~

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1 aesthetic impact policies and are consonant with  
2 reasonable utilization of air, land, and water  
3 resources, for beneficial purposes considering  
4 available technology and the economics of available  
5 alternatives.

6 ~~4. The applicant, if a public utility as defined  
7 in section 476.1, has in effect a comprehensive energy  
8 management program designed to reduce peak loads and  
9 to increase efficiency of use of energy by all classes  
10 of customers of the utility, and the facility in the  
11 application is necessary notwithstanding the existence  
12 of the comprehensive energy management program. As  
13 used in this subsection, a "comprehensive energy  
14 management program" includes at a minimum the  
15 following:~~

16 ~~a. Establishment of load management and  
17 interruptible service programs, where cost effective.~~

18 ~~b. Development of wheeling agreements and other  
19 energy sharing agreements, where cost effective with  
20 utilities that have available capacity.~~

21 ~~c. Establishment of cost effective energy  
22 efficiency and renewable energy services and programs.~~

23 ~~d. Compliance with board rules on energy  
24 management procedures.~~

25 ~~5. The applicant, if a public utility as defined  
26 in section 476.1, shall demonstrate to the board that  
27 the utility has considered sources for long term  
28 electric supply from either purchase of electricity or  
29 investment in facilities owned by other persons.~~

30 ~~6. The applicant, if a public utility as defined  
31 in section 476.1, has considered all feasible  
32 alternatives to the proposed facility including  
33 nongeneration alternatives; has ranked those  
34 alternatives by cost; has implemented the least cost  
35 alternatives first; and the facility in the  
36 application is necessary notwithstanding the  
37 implementation of these alternatives.~~

38 Sec. 15. Section 476A.7, Code 2001, is amended by  
39 adding the following new subsection:

40 NEW SUBSECTION. 3. Pursuant to the provisions of  
41 section 476.53, a rate-regulated public utility shall  
42 have the option of withdrawing its application for  
43 issuance of a certificate at any time prior to the  
44 issuance of the certificate, or after the certificate  
45 has been issued.

46 Sec. 16. Section 476A.15, Code 2001, is amended to  
47 read as follows:

48 476A.15 WAIVER.

49 The board, if it determines that the public  
50 interest would not be adversely affected, may waive

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1 any of the requirements of this chapter ~~for facilities~~  
2 ~~with a capacity of one hundred or fewer megawatts.~~

3 Sec. 17. NEW SECTION. 476A.20 DEFINITIONS.

4 For purposes of this subchapter, unless the context  
5 otherwise requires:

6 1. "Electric power agency" means an entity as  
7 defined in section 28F.2.

8 2. "Facility" means an electric power generating  
9 plant, or transmission line or system, as defined in  
10 section 476A.1.

11 3. "Public bond or obligation" means an obligation  
12 as defined in section 76.14.

13 Sec. 18. NEW SECTION. 476A.21 ELECTRIC POWER  
14 AGENCY -- GENERAL AUTHORITY.

15 In addition to other powers conferred upon an  
16 electric power agency by chapter 28F or other  
17 applicable law, an electric power agency may enter  
18 into and carry out joint agreements with other  
19 participants for the acquisition of ownership of a  
20 joint facility and for the planning, financing,  
21 operation, and maintenance of the joint facility, as  
22 provided in this subchapter.

23 Sec. 19. NEW SECTION. 476A.22 ELECTRIC POWER  
24 AGENCY -- AUTHORITY -- CONFLICTING PROVISIONS.

25 1. In addition to any powers conferred upon an  
26 electric power agency under chapter 28F or other  
27 applicable law, an electric power agency may exercise  
28 all other powers reasonably necessary or appropriate  
29 for or incidental to the effectuation of the electric  
30 power agency's authorized purposes, including without  
31 limitation, the powers enumerated in chapters 6A and  
32 6B for purposes of constructing or acquiring an  
33 electric power facility.

34 2. An electric power agency, in connection with  
35 its property and affairs, and in connection with  
36 property within its control, may exercise any and all  
37 powers that might be exercised by a natural person or  
38 a private corporation in connection with similar  
39 property and affairs.

40 3. The enumeration of specified powers and  
41 functions of an electric power agency in this  
42 subchapter is not a limitation of the powers of an  
43 electric power agency, but the procedures prescribed  
44 for exercising the powers and functions enumerated in  
45 this subchapter control and govern in the event of any  
46 conflict with any other provision of law.

47 4. The authority conferred pursuant to this  
48 subchapter applies to electric power agencies,  
49 notwithstanding any contrary provisions of section  
50 28F.1.

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1 Sec. 20. NEW SECTION. 476A.23 ISSUANCE OF PUBLIC  
2 BONDS OR OBLIGATIONS -- PURPOSES -- LIMITATIONS.

3 1. An electric power agency may from time to time  
4 issue its public bonds or obligations in such  
5 principal amounts as the electric power agency deems  
6 necessary to provide sufficient funds to carry out any  
7 of its purposes and powers, including but not limited  
8 to any of the following:

9 a. The acquisition or construction of any project  
10 to be owned or leased by the electric power agency, or  
11 the acquisition of any interest in such project or any  
12 right to the capacity of such project, including the  
13 acquisition, construction, or acquisition of any  
14 interest in an electric power generating plant to be  
15 constructed in this state, or the acquisition,  
16 construction, or acquisition of any interest in a  
17 transmission line or system.

18 b. The funding or refunding of the principal of,  
19 or interest or redemption premiums on, any public  
20 bonds or obligations issued by the electric power  
21 agency whether or not the public bonds or obligations  
22 or interest to be funded or refunded have become due.

23 c. The establishment or increase of reserves to  
24 secure or to pay the public bonds or obligations or  
25 interest on the public bonds or obligations.

26 d. The payment of all other costs or expenses of  
27 the electric power agency incident to and necessary to  
28 carry out its purposes and powers.

29 2. Notwithstanding anything in this subchapter or  
30 chapter 28F to the contrary, a facility shall not be  
31 financed with the proceeds of public bonds or  
32 obligations, the interest on which is exempt from  
33 federal income tax, unless the public issuer of such  
34 public bonds or obligations covenants that the issuer  
35 shall comply with the requirements or limitations  
36 imposed by the Internal Revenue Code or other  
37 applicable federal law to preserve the tax exemption  
38 of interest payable on the bonds or obligations.

39 3. Notwithstanding anything in this subchapter or  
40 chapter 28F to the contrary, an electric power  
41 generating facility shall not be financed under this  
42 subchapter unless all of the following conditions are  
43 satisfied:

44 a. The portion of the electric power generating  
45 facility financed by the electric power agency is not  
46 designed to serve the electric power requirements of  
47 retail customers of members that are municipal  
48 electric utilities established in the state after  
49 January 1, 2001.

50 b. The electric power agency annually files with

1 the board, in a manner to be determined by the board,  
 2 information regarding sales from the electric power  
 3 generating facility in sufficient detail to determine  
 4 compliance with these provisions.

5 The board shall report to the general assembly if  
 6 any of the provisions are being violated.

7 Sec. 21. NEW SECTION. 476A.24 PUBLIC BONDS OR  
 8 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD --  
 9 TERMS.

10 1. The board of directors of an electric power  
 11 agency, by resolution, may authorize the issuance of  
 12 public bonds or obligations of the electric power  
 13 agency.

14 2. The public bonds or obligations may be issued  
 15 in one or more series under the resolution or under a  
 16 trust indenture or other security agreement.

17 3. The resolution, trust indenture, or other  
 18 security agreement, with respect to such public bonds  
 19 or obligations, shall provide for all of the  
 20 following:

- 21 a. The date on the public bonds or obligations.
- 22 b. The time of maturity.
- 23 c. The rate of interest.
- 24 d. The denomination.
- 25 e. The form, either coupon or registered.
- 26 f. The conversion, registration, and exchange  
 27 privileges.
- 28 g. The rank or priority.
- 29 h. The manner of execution.
- 30 i. The medium of payment, including the place of  
 31 payment, either within or outside of the state.
- 32 j. The terms of redemption, either with or without  
 33 premium.
- 34 k. Such other terms and conditions as set forth by  
 35 the board in the resolution, trust indenture, or other  
 36 security agreement.

37 4. Public bonds or obligations authorized by the  
 38 board of directors shall not be subject to any  
 39 restriction under other law with respect to the  
 40 amount, maturity, interest rate, or other terms of  
 41 obligation of a public agency or private person.

42 5. Chapter 75 shall not apply to public bonds or  
 43 obligations authorized by the board of directors as  
 44 provided in this section.

45 Sec. 22. NEW SECTION. 476A.25 PUBLIC BONDS OR  
 46 OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR  
 47 FUNDS.

48 1. The principal of and interest on any public  
 49 bonds or obligations issued by an electric power  
 50 agency shall be payable solely from the revenues or

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1 funds pledged or available for their payment as  
2 authorized in this subchapter.

3 2. Each public bond or obligation shall contain  
4 all of the following terms:

5 a. That the principal of or interest on such  
6 public bonds or obligations is payable solely from  
7 revenues or funds of the electric power agency.

8 b. That neither the state or a political  
9 subdivision of the state other than the electric power  
10 agency, nor a public agency that is a member of the  
11 electric power agency is obligated to pay the  
12 principal or interest on such public bonds or  
13 obligations.

14 c. That neither the full faith and credit nor the  
15 taxing power of the state, of any political  
16 subdivision of the state, or of any such public agency  
17 is pledged to the payment of the principal of or the  
18 interest on the public bonds or obligations.

19 Sec. 23. NEW SECTION. 476A.26 PUBLIC BONDS OR  
20 OBLIGATIONS -- TYPES -- SOURCES FOR PAYMENT --  
21 SECURITY.

22 1. Except as otherwise expressly provided by this  
23 subchapter or by the electric power agency, every  
24 issue of public bonds or obligations of the electric  
25 power agency shall be payable out of any revenues or  
26 funds of the electric power agency, subject only to  
27 any agreements with the holders of particular public  
28 bonds or obligations pledging any particular revenues  
29 or funds.

30 2. An electric power agency may issue types of  
31 public bonds or obligations as it may determine,  
32 including public bonds or obligations as to which the  
33 principal and interest are payable exclusively from  
34 the revenues from one or more projects, or from an  
35 interest in such project or projects, or a right to  
36 capacity of such project or projects, or from any  
37 revenue-producing contract made by the electric power  
38 agency with any person, or from its revenues  
39 generally.

40 3. Any public bonds or obligations may be  
41 additionally secured by a pledge of any grant,  
42 subsidy, or contribution from any public agency or  
43 other person, or a pledge of any income or revenues,  
44 funds, or moneys of the electric power agency from any  
45 other source.

46 Sec. 24. NEW SECTION. 476A.27 PUBLIC BONDS OR  
47 OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO  
48 STATE APPROVAL.

49 Public bonds or obligations of an electric power  
50 agency may be issued under this subchapter, and rents,

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1 rates, and charges may be established in the same  
2 manner as provided in section 28F.5 and pledged for  
3 the security of public bonds or obligations and  
4 interest and redemption premiums on such public bonds  
5 or obligations, without obtaining the consent of any  
6 department, division, commission, board, bureau, or  
7 agency of the state and without any other proceeding,  
8 or the happening of any other condition or occurrence,  
9 except as specifically required by this subchapter.

10 Sec. 25. NEW SECTION. 476A.28 PUBLIC BONDS OR  
11 OBLIGATIONS TO BE NEGOTIABLE.

12 All public bonds or obligations of an electric  
13 power agency shall be negotiable within the meaning  
14 and for all of the purposes of the uniform commercial  
15 code, chapter 554, subject only to the registration  
16 requirement of section 76.10.

17 Sec. 26. NEW SECTION. 476A.29 VALIDITY OF PUBLIC  
18 BONDS OR OBLIGATIONS AT DELIVERY -- TEMPORARY BONDS.

19 1. Any public bonds or obligations may be issued  
20 and delivered, notwithstanding that one or more of the  
21 officers executing them shall have ceased to hold  
22 office at the time when the public bonds or  
23 obligations are actually delivered.

24 2. Pending preparation of definitive bonds or  
25 obligations, an electric power agency may issue  
26 temporary bonds or obligations that shall be exchanged  
27 for the definitive bonds or obligations upon their  
28 issuance.

29 Sec. 27. NEW SECTION. 476A.30 PUBLIC OR PRIVATE  
30 SALE OF BONDS AND NOTES.

31 Public bonds or obligations of an electric power  
32 agency may be sold at public or private sale for a  
33 price and in a manner determined by the electric power  
34 agency.

35 Sec. 28. NEW SECTION. 476A.31 PUBLIC BONDS OR  
36 OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL  
37 UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.

38 The following persons may legally invest any debt  
39 service funds, money, or other funds belonging to such  
40 person or within such person's control in any public  
41 bonds or obligations issued pursuant to this  
42 subchapter:

43 1. A bank, trust company, savings association,  
44 building and loan association, savings and loan  
45 association, or investment company.

46 2. An insurance company, insurance association, or  
47 any other person carrying on an insurance business.

48 3. An executor, administrator, conservator,  
49 trustee, or other fiduciary.

50 4. Any other person authorized to invest in bonds

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1 or obligations of the state.

2 Sec. 29. NEW SECTION. 476A.32 RESOLUTION, TRUST

3 INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT

4 -- PROVISIONS.

5 The resolution, trust indenture, or other security  
6 agreement under which any public bonds or obligations  
7 are issued shall constitute a contract with the  
8 holders of the public bonds or obligations, and may  
9 contain provisions, among others, prescribing any of  
10 the following terms:

11 1. The terms and provisions of the public bonds or  
12 obligations.

13 2. The mortgage or pledge of and the grant of a  
14 security interest in any real or personal property and  
15 all or any part of the revenue from any project or any  
16 revenue producing contract made by the electric power  
17 agency with any person to secure the payment of public  
18 bonds or obligations, subject to any agreements with  
19 the holders of public bonds or obligations which might  
20 then exist.

21 3. The custody, collection, securing, investment,  
22 and payment of any revenues, assets, money, funds, or  
23 property with respect to which the electric power  
24 agency may have any rights or interest.

25 4. The rates or charges for electric energy sold  
26 by, or services rendered by, the electric power  
27 agency, the amount to be raised by the rates or  
28 charges, and the use and disposition of any or all  
29 revenue.

30 5. The creation of reserves or debt service funds  
31 and the regulation and disposition of such reserves or  
32 funds.

33 6. The purposes to which the proceeds from the  
34 sale of any public bonds or obligations to be issued  
35 may be applied, and the pledge of the proceeds to  
36 secure the payment of the public bonds or obligations.

37 7. Limitations on the issuance of any additional  
38 public bonds or obligations, the terms upon which  
39 additional public bonds or obligations may be issued  
40 and secured, and the refunding of outstanding public  
41 bonds or obligations.

42 8. The rank or priority of any public bonds or  
43 obligations with respect to any lien or security.

44 9. The creation of special funds or moneys to be  
45 held for operating expenses, payment, or redemption of  
46 public bonds or obligations, reserves or other  
47 purposes, and the use and disposition of moneys held  
48 in these funds.

49 10. The procedure by which the terms of any  
50 contract with or for the benefit of the holders of

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1 public bonds or obligations may be amended or  
2 abrogated, the amount of public bonds or obligations  
3 the holders of which must consent to such amendment or  
4 abrogation, and the manner in which consent may be  
5 given.

6 11. The definition of the acts or omissions to act  
7 that constitute a default in the duties of the  
8 electric power agency to holders of its public bonds  
9 or obligations, and the rights and remedies of the  
10 holders in the event of default including, if the  
11 electric power agency so determines, the right to  
12 accelerate the date of the maturation of the public  
13 bonds or obligations or the right to appoint a  
14 receiver or receivers of the property or revenues  
15 subject to the lien of the resolution, trust  
16 indenture, or other security agreement.

17 12. Any other or additional agreements with or for  
18 the benefit of the holders of public bonds or  
19 obligations or any covenants or restrictions necessary  
20 or desirable to safeguard the interests of the  
21 holders.

22 13. The custody of any of the electric power  
23 agency's property or investments, the safekeeping of  
24 such property or investments, the insurance to be  
25 carried on such property or investments, and the use  
26 and disposition of insurance proceeds.

27 14. The vesting in a trustee or trustees, within  
28 or outside the state, of such property, rights,  
29 powers, and duties as the electric power agency may  
30 determine; or the limiting or abrogating of the rights  
31 of the holders of any public bonds or obligations to  
32 appoint a trustee, or the limiting of the rights,  
33 powers, and duties of such trustee.

34 15. The appointment of and the establishment of  
35 the duties and obligations of any paying agent or  
36 other fiduciary within or outside the state.

37 Sec. 30. NEW SECTION. 476A.33 MORTGAGE OR TRUST  
38 DEED TO SECURE BONDS.

39 For the security of public bonds or obligations  
40 issued or to be issued by an electric power agency,  
41 the electric power agency may mortgage or execute  
42 deeds of trust of the whole or any part of its  
43 property.

44 Sec. 31. NEW SECTION. 476A.34 NO PERSONAL  
45 LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.

46 An official, director, member of an electric power  
47 agency, or any person executing public bonds or  
48 obligations shall not be liable personally on the  
49 public bonds or obligations or be subject to any  
50 personal liability or accountability by reason of the

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1 issuance of such public bonds or obligations.

2 Sec. 32. NEW SECTION. 476A.35 REPURCHASE OF  
3 SECURITIES.

4 An electric power agency may purchase public bonds  
5 or obligations out of any funds available for such  
6 purchase, and hold, pledge, cancel, or resell the  
7 public bonds or obligations, subject to and in  
8 accordance with any agreements with the holders.

9 Sec. 33. NEW SECTION. 476A.36 PLEDGE OF REVENUE  
10 AS SECURITY.

11 An electric power agency may pledge its rates,  
12 rents, and other revenues, or any part of such rates,  
13 rents, and revenues, as security for the repayment,  
14 with interest and redemption premiums, if any, of the  
15 moneys borrowed by the electric power agency or  
16 advanced to the electric power agency for any of its  
17 authorized purposes and as security for the payment of  
18 moneys due and owed by the electric power agency under  
19 any contract.

20 Sec. 34. Section 478.3, Code 2001, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 3. For the purpose of this  
23 section, the term "public" shall not be interpreted to  
24 be limited to consumers located in this state.

25 Sec. 35. CODE EDITOR DIRECTIVE. The Code editor  
26 shall change references to "this chapter" in sections  
27 476A.1 through 476A.15 as necessary and appropriate to  
28 reflect the addition of the new subchapter to chapter  
29 476A as a result of this Act.

30 Sec. 36. EFFECTIVE DATE. This Act, being deemed  
31 of immediate importance, takes effect upon enactment."

32 2. Title page, line 2, by inserting after the  
33 word "construction" the following: "or lease".

34 3. Title page, line 3, by inserting after the  
35 word "facility" the following: ", and for the  
36 development of ratemaking principles to apply to  
37 certain electric generating facilities".

38 4. Title page, line 4, by inserting after the  
39 word "contracts" the following: ", and for approval  
40 of plans and budgets for regulating emissions from  
41 coal-fired plants".

42 5. Title page, line 5, by inserting after the  
43 word "policy;" the following: "providing for  
44 alternate energy purchase programs;".

45 6. Title page, line 11, by inserting after the  
46 word "transmission" the following: "; and providing  
47 an effective date".

JOANN JOHNSON

**S-3714**

1 Amend House File 757, as passed by the House, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause, and inserting the following:

5 "Section 1.

6 1. At the meeting in which the revenue estimating  
7 conference agrees to the revenue estimate for the  
8 fiscal year beginning July 1, 2002, in accordance with  
9 section 8.22A, subsection 3, the revenue estimating  
10 conference shall agree to an estimate of the amount of  
11 additional state individual income tax revenues  
12 generated during the fiscal year beginning July 1,  
13 2001, which are attributable to the advanced refund of  
14 the rate reduction tax credit provided pursuant to the  
15 federal Economic Growth and Tax Relief Reconciliation  
16 Act of 2001, Pub. L. No. 107-16.

17 2. There is appropriated from the general fund of  
18 the state for the fiscal year beginning July 1, 2001,  
19 the amount estimated by the revenue estimating  
20 conference pursuant to subsection 1, as follows:  
21 a. To the department of education for general  
22 state financial aid for community colleges in the  
23 amount of \$4,800,000. The appropriation in this  
24 paragraph is in addition to and shall be allocated in  
25 the same proportion as the amount appropriated in 2001  
26 Iowa Acts, Senate File 535, section 6, subsection 14.

27 b. To increase the total amount of program job  
28 credits allocated for all accelerated career education  
29 programs in the state for the fiscal year beginning  
30 July 1, 2001, as specified in section 260G.4B,  
31 subsection 1, as amended by 2001 Iowa Acts, House File  
32 755, section 35, to a maximum amount of \$6,000,000.

33 c. To the workforce development fund the sum of  
34 \$3,000,000 to be used for purposes provided in section  
35 15.343, subsection 2, paragraph "b". The amount  
36 appropriated in this paragraph is in addition to  
37 moneys allocated for chapter 260F as provided in 2001  
38 Iowa Acts, House File 718, section 22.

39 d. To the department of economic development for  
40 accelerated career education program capital projects  
41 at community colleges authorized under chapter 260G  
42 the sum of \$2,800,000. The amount appropriated in  
43 this paragraph is in addition to and shall be  
44 allocated in the same manner as the appropriation made  
45 in 2001 Iowa Acts, House File 742, section 25,  
46 subsection 2.

47 e. To the college student aid commission for the  
48 work study program under section 261.85 the sum of  
49 \$791,000. The amount allocated in this paragraph is  
50 in lieu of the amounts appropriated in section 261.85

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1 and 2001 Iowa Acts, Senate File 535, section 4.  
 2 f. To the state board of regents the amount  
 3 remaining after the appropriations made in paragraphs  
 4 "a" through "e" to be allocated to the state  
 5 university of Iowa, the Iowa state university of  
 6 science and technology, the university of northern  
 7 Iowa, the state school for the deaf, and the Iowa  
 8 braille and sight saving school for salaries, support,  
 9 maintenance and miscellaneous purposes. The  
 10 appropriation made in this paragraph shall be  
 11 allocated to each institution in the same proportion  
 12 that the appropriations made in 2001 Iowa Acts, Senate  
 13 File 535, section 8, subsection 2, paragraph "a";  
 14 subsection 3, paragraph "a"; subsection 4, paragraph  
 15 "a"; subsection 5; or subsection 6; as appropriate, is  
 16 to the total of such appropriations.  
 17 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This  
 18 Act, being deemed of immediate importance, takes  
 19 effect upon enactment and applies retroactively to  
 20 July 1, 2001, for fiscal years beginning on or after  
 21 that date."  
 22 2. Title page, by striking lines 1 through 3 and  
 23 inserting the following: "An Act appropriating funds  
 24 for use of the community colleges and the institutions  
 25 of the state board of regents and providing effective  
 26 and applicability date provisions."

JOHN P. KIBBIE  
 EUGENE S. FRAISE  
 MIKE CONNOLLY

### S-3715

1 Amend the amendment, S-3698, to House File 696, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 8 and 9, and  
 5 inserting the following:  
 6 "a. An employer ~~other than a governmental entity~~  
 7 ~~or a nonprofit organization~~, subject to this  
 8 chapter,".  
 9 2. Page 1, line 34, by inserting after the word  
 10 "section" the following: "or require payment by a  
 11 reimbursable governmental entity or nonprofit  
 12 organization".  
 13 3. Page 1, line 41, by inserting after the word

14 "manner" the following: "or as otherwise provided in  
15 this chapter".

STEVE KING  
KITTY REHBERG  
NEAL SCHUERER

### S-3716

1 Amend House File 757, as passed by the House, as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 422.4, subsection 1,  
6 paragraphs b and c, Code 2001, are amended to read as  
7 follows:  
8 b. "Cumulative inflation factor" means the product  
9 of the annual inflation factor for the ~~1988~~ 2001  
10 calendar year and all annual inflation factors for  
11 subsequent calendar years as determined pursuant to  
12 this subsection. The cumulative inflation factor  
13 applies to all tax years beginning on or after January  
14 1 of the calendar year for which the latest annual  
15 inflation factor has been determined.  
16 c. The annual inflation factor for the ~~1988~~ 2001  
17 calendar year is one hundred percent.  
18 Sec. 2. Section 422.5, subsection 1, paragraphs a  
19 through i, Code 2001, are amended by striking the  
20 paragraphs and inserting in lieu thereof the  
21 following:  
22 a. On all taxable income from zero through eight  
23 thousand dollars, one and eighty-five hundredths  
24 percent.  
25 b. On all taxable income exceeding eight thousand  
26 dollars but not exceeding forty thousand dollars, five  
27 and three-tenths percent.  
28 c. On all taxable income exceeding forty thousand  
29 dollars but not exceeding sixty thousand dollars, six  
30 and thirty-five hundredths percent.  
31 d. On all taxable income exceeding sixty thousand  
32 dollars, six and six-tenths percent.  
33 Sec. 3. Section 422.5, subsection 1, paragraph j,  
34 Code 2001, is amended to read as follows:  
35 ~~j. e.~~ (1) The tax imposed upon the taxable  
36 income of a nonresident shall be computed by reducing  
37 the amount determined pursuant to paragraphs "a"  
38 through ~~"i"~~ "d" by the amounts of nonrefundable  
39 credits under this division and by multiplying this  
40 resulting amount by a fraction of which the  
41 nonresident's net income allocated to Iowa, as  
42 determined in section 422.8, subsection 2, paragraph  
43 "a", is the numerator and the nonresident's total net

44 income computed under section 422.7 is the  
45 denominator. This provision also applies to  
46 individuals who are residents of Iowa for less than  
47 the entire tax year.

48 (2) The tax imposed upon the taxable income of a  
49 resident shareholder in an S corporation which has in  
50 effect for the tax year an election under subchapter S

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1 of the Internal Revenue Code and carries on business  
2 within and without the state may be computed by  
3 reducing the amount determined pursuant to paragraphs  
4 "a" through "d" by the amounts of nonrefundable  
5 credits under this division and by multiplying this  
6 resulting amount by a fraction of which the resident's  
7 net income allocated to Iowa, as determined in section  
8 422.8, subsection 2, paragraph "b", is the numerator  
9 and the resident's total net income computed under  
10 section 422.7 is the denominator. If a resident  
11 shareholder has elected to take advantage of this  
12 subparagraph, and for the next tax year elects not to  
13 take advantage of this subparagraph, the resident  
14 shareholder shall not reelect to take advantage of  
15 this subparagraph for the three tax years immediately  
16 following the first tax year for which the shareholder  
17 elected not to take advantage of this subparagraph,  
18 unless the director consents to the reelection. This  
19 subparagraph also applies to individuals who are  
20 residents of Iowa for less than the entire tax year.  
21 This subparagraph shall not affect the amount of  
22 the taxpayer's checkoff to the Iowa election campaign  
23 fund under section 56.18, the checkoff for the fish  
24 and game fund in section 456A.16, the credits from tax  
25 provided in sections 422.10, 422.11A, and 422.12 and  
26 the allocation of these credits between spouses if the  
27 taxpayers filed separate returns or separately on  
28 combined returns.

29 Sec. 4. Section 422.5, subsection 1, paragraph k,  
30 Code 2001, is amended by relettering the paragraph as  
31 paragraph f.

32 Sec. 5. Section 422.5, subsection 1, paragraph k,  
33 unnumbered paragraph 1, Code 2001, is amended to read  
34 as follows:

35 There is imposed upon every resident and  
36 nonresident of this state, including estates and  
37 trusts, the greater of the tax determined in  
38 paragraphs "a" through "e" or the state  
39 alternative minimum tax equal to seventy-five percent  
40 of the maximum state individual income tax rate for  
41 the tax year, rounded to the nearest one-tenth of one  
42 percent, of the state alternative minimum taxable

43 income of the taxpayer as computed under this  
44 paragraph.

45 Sec. 6. Section 422.5, subsections 2, 5, and 7,  
46 Code 2001, are amended to read as follows:

47 2. However, the tax shall not be imposed on a  
48 resident or nonresident whose net income, as defined  
49 in section 422.7, is thirteen thousand five hundred  
50 dollars or less in the case of married persons filing

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1 jointly or filing separately on a combined return,  
2 unmarried heads of household, and surviving spouses or  
3 ~~nine ten~~ thousand dollars or less in the case of all  
4 other persons; but in the event that the payment of  
5 tax under this division would reduce the net income to  
6 less than thirteen thousand five hundred dollars or  
7 ~~nine ten~~ thousand dollars as applicable, then the tax  
8 shall be reduced to that amount which would result in  
9 allowing the taxpayer to retain a net income of  
10 thirteen thousand five hundred dollars or ~~nine ten~~  
11 thousand dollars as applicable. The preceding  
12 sentence does not apply to estates or trusts. For the  
13 purpose of this subsection, the entire net income,  
14 including any part of the net income not allocated to  
15 Iowa, shall be taken into account. For purposes of  
16 this subsection, net income includes all amounts of  
17 pensions or other retirement income received from any  
18 source which is not taxable under this division as a  
19 result of the government pension exclusions in section  
20 422.7, or any other state law. If the combined net  
21 income of a husband and wife exceeds thirteen thousand  
22 five hundred dollars, neither of them shall receive  
23 the benefit of this subsection, and it is immaterial  
24 whether they file a joint return or separate returns.  
25 However, if a husband and wife file separate returns  
26 and have a combined net income of thirteen thousand  
27 five hundred dollars or less, neither spouse shall  
28 receive the benefit of this paragraph, if one spouse  
29 has a net operating loss and elects to carry back or  
30 carry forward the loss as provided in section 422.9,  
31 subsection 3. A person who is claimed as a dependent  
32 by another person as defined in section 422.12 shall  
33 not receive the benefit of this subsection if the  
34 person claiming the dependent has net income exceeding  
35 thirteen thousand five hundred dollars or ~~nine ten~~  
36 thousand dollars as applicable or the person claiming  
37 the dependent and the person's spouse have combined  
38 net income exceeding thirteen thousand five hundred  
39 dollars or ~~nine ten~~ thousand dollars as applicable.  
40 In addition, if the married persons', filing  
41 jointly or filing separately on a combined return,

42 unmarried head of household's, or surviving spouse's  
43 net income exceeds thirteen thousand five hundred  
44 dollars, the regular tax imposed under this division  
45 shall be the lesser of the maximum state individual  
46 income tax rate times the portion of the net income in  
47 excess of thirteen thousand five hundred dollars or  
48 the regular tax liability computed without regard to  
49 this sentence. Taxpayers electing to file separately  
50 shall compute the alternate tax described in this

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1 paragraph using the total net income of the husband  
2 and wife. The alternate tax described in this  
3 paragraph does not apply if one spouse elects to carry  
4 back or carry forward the loss as provided in section  
5 422.9, subsection 3.

6 5. Upon determination of the latest cumulative  
7 inflation factor, the director shall multiply each  
8 dollar amount set forth in subsection 1, paragraphs  
9 "a" through "~~"c"~~ "d" of this section by this cumulative  
10 inflation factor, shall round off the resulting  
11 product to the nearest one dollar, and shall  
12 incorporate the result into the income tax forms and  
13 instructions for each tax year.

14 7. In addition to the other taxes imposed by this  
15 section, a tax is imposed on the amount of a lump sum  
16 distribution for which the taxpayer has elected under  
17 section 402(e) of the Internal Revenue Code to be  
18 separately taxed for federal income tax purposes for  
19 the tax year. The rate of tax is equal to twenty-five  
20 percent of the separate federal tax imposed on the  
21 amount of the lump sum distribution. A nonresident is  
22 liable for this tax only on that portion of the lump  
23 sum distribution allocable to Iowa. The total amount  
24 of the lump sum distribution subject to separate  
25 federal tax shall be included in net income for  
26 purposes of determining eligibility under the thirteen  
27 thousand five hundred dollar or less or ~~nine ten~~  
28 thousand dollar or less exclusion, as applicable.

29 Sec. 7. Section 422.8, subsection 2, paragraph a,  
30 Code 2001, is amended to read as follows:

31 a. Nonresident's net income allocated to Iowa is  
32 the net income, or portion of net income, which is  
33 derived from a business, trade, profession, or  
34 occupation carried on within this state or income from  
35 any property, trust, estate, or other source within  
36 Iowa. However, income derived from a business, trade,  
37 profession, or occupation carried on within this state  
38 and income from any property, trust, estate, or other  
39 source within Iowa shall not include distributions  
40 from pensions, including defined benefit or defined

41 contribution plans, annuities, individual retirement  
42 accounts, and deferred compensation plans or any  
43 earnings attributable thereto so long as the  
44 distribution is directly related to an individual's  
45 documented retirement and received while the  
46 individual is a nonresident of this state. If a  
47 business, trade, profession, or occupation is carried  
48 on partly within and partly without the state, only  
49 the portion of the net income which is fairly and  
50 equitably attributable to that part of the business,

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1 trade, profession, or occupation carried on within the  
2 state is allocated to Iowa for purposes of section  
3 422.5, subsection 1, paragraph "j" "e", and section  
4 422.13 and income from any property, trust, estate, or  
5 other source partly within and partly without the  
6 state is allocated to Iowa in the same manner, except  
7 that annuities, interest on bank deposits and  
8 interest-bearing obligations, and dividends are  
9 allocated to Iowa only to the extent to which they are  
10 derived from a business, trade, profession, or  
11 occupation carried on within the state.

12 Sec. 8. Section 422.8, subsection 4, Code 2001, is  
13 amended to read as follows:

14 4. The amount of minimum tax paid to another state  
15 or foreign country by a resident taxpayer of this  
16 state from preference items derived from sources  
17 outside of Iowa shall be allowed as a credit against  
18 the tax computed under this division except that the  
19 credit shall not exceed what the amount of state  
20 alternative minimum tax would have been on the same  
21 preference items which were taxed by the other state  
22 or foreign country. The limitation on this credit  
23 shall be computed according to the following formula:  
24 The total of preference items earned outside of Iowa  
25 and taxed by another state or foreign country shall be  
26 divided by the total of preference items of the  
27 resident taxpayer of Iowa. In computing this  
28 quotient, those items excludable under section 422.5,  
29 subsection 1, paragraph "k" "f", subparagraph (1)  
30 shall not be used in computing the preference items.  
31 This quotient multiplied times the net state  
32 alternative minimum tax as determined in section  
33 422.5, subsection 1, paragraph "k" "f" on the total of  
34 preference items as if entirely earned in Iowa shall  
35 be the maximum tax credit against the Iowa alternative  
36 minimum tax. However, the maximum tax credit will not  
37 be allowed to the extent that the minimum tax imposed  
38 by the other state or foreign country is less than the  
39 maximum tax credit computed above.

40 Sec. 9. Section 422.9, subsection 1, Code 2001, as  
 41 amended by 2001 Iowa Acts, Senate File 350, section  
 42 22, is amended to read as follows:

43 1. An optional standard deduction, after deduction  
 44 of federal income tax, equal to one thousand two  
 45 hundred thirty dollars for a married person who files  
 46 separately or a single person or equal to three  
 47 thousand thirty dollars for a husband and wife who  
 48 file a joint return, a surviving spouse, or an  
 49 unmarried head of household. The optional standard  
 50 deduction shall not exceed the amount remaining after

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1 deduction of the federal income tax. The amount of  
 2 federal income taxes deducted shall not exceed the  
 3 amount as computed under subsection 2, paragraph "b".

4 Sec. 10. Section 422.9, subsection 2, paragraph b,  
 5 Code 2001, as amended by 2001 Iowa Acts, Senate File  
 6 350, section 22, is amended by striking the paragraph  
 7 and inserting in lieu thereof the following:

8 b. Add the amount of federal income taxes paid or  
 9 accrued, as the case may be, to the extent the federal  
 10 tax payment is for a tax year beginning prior to  
 11 January 1, 2001. Subtract the amount of federal  
 12 income tax refunds received in a tax year to the  
 13 extent that the federal income tax was deducted on an  
 14 Iowa individual income tax return for a tax year  
 15 beginning prior to January 1, 2001.

16 Sec. 11. Section 422.11B, Code 2001, is amended to  
 17 read as follows:

18 422.11B MINIMUM TAX CREDIT.

19 1. There is allowed as a credit against the tax  
 20 determined in section 422.5, subsection 1, paragraphs  
 21 "a" through "j" "e" for a tax year an amount equal to  
 22 the minimum tax credit for that tax year.

23 The minimum tax credit for a tax year is the  
 24 excess, if any, of the adjusted net minimum tax  
 25 imposed for all prior tax years beginning on or after  
 26 January 1, 1987, over the amount allowable as a credit  
 27 under this section for those prior tax years.

28 2. The allowable credit under subsection 1 for a  
 29 tax year shall not exceed the excess, if any, of the  
 30 tax determined in section 422.5, subsection 1,  
 31 paragraphs "a" through "j" "e" over the state  
 32 alternative minimum tax as determined in section  
 33 422.5, subsection 1, paragraph "k" "f".

34 The net minimum tax for a tax year is the excess,  
 35 if any, of the tax determined in section 422.5,  
 36 subsection 1, paragraph "k" "f" for the tax year over  
 37 the tax determined in section 422.5, subsection 1,  
 38 paragraphs "a" through "j" "e" for the tax year.

39 The adjusted net minimum tax for a tax year is the  
 40 net minimum tax for the tax year reduced by the amount  
 41 which would be the net minimum tax if the only item of  
 42 tax preference taken into account was that described  
 43 in paragraph (6) of section 57(a) of the Internal  
 44 Revenue Code.

45 Sec. 12. Section 422.13, subsection 1, paragraph  
 46 c, Code 2001, as amended by 2001 Iowa Acts, Senate  
 47 File 140, section 7, is amended to read as follows:

48 c. However, if that part of the net income of a  
 49 nonresident which is allocated to Iowa pursuant to  
 50 section 422.8, subsection 2, is less than one thousand

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1 dollars the nonresident is not required to make and  
 2 sign a return except when the nonresident is subject  
 3 to the state alternative minimum tax imposed pursuant  
 4 to section 422.5, subsection 1, paragraph "k" "f".

5 Sec. 13. Section 422.13, subsection 1A, Code 2001,  
 6 as amended by 2001, Iowa Acts, Senate File 140,  
 7 section 7, is amended to read as follows:

8 1A. Notwithstanding any other provision in this  
 9 section, a resident of this state is not required to  
 10 make and file a return if the person's net income is  
 11 equal to or less than the appropriate dollar amount  
 12 listed in section 422.5, subsection 2, upon which tax  
 13 is not imposed. A nonresident of this state is not  
 14 required to make and file a return if the person's  
 15 total net income in section 422.5, subsection 1,  
 16 paragraph "j" "e", is equal to or less than the  
 17 appropriate dollar amount provided in section 422.5,  
 18 subsection 2, upon which tax is not imposed. For  
 19 purposes of this subsection, the amount of a lump sum  
 20 distribution subject to separate federal tax shall be  
 21 included in net income for purposes of determining if  
 22 a resident is required to file a return and the  
 23 portion of the lump sum distribution that is allocable  
 24 to Iowa is included in total net income for purposes  
 25 of determining if a nonresident is required to make  
 26 and file a return.

27 Sec. 14. Section 422.21, unnumbered paragraph 5,  
 28 Code 2001, is amended to read as follows:

29 The director shall determine for the ~~1989~~ 2002  
 30 calendar year and each subsequent calendar year the  
 31 annual and cumulative inflation factors for each  
 32 calendar year to be applied to tax years beginning on  
 33 or after January 1 of that calendar year. The  
 34 director shall compute the new dollar amounts as  
 35 specified to be adjusted in section 422.5 by the  
 36 latest cumulative inflation factor and round off the  
 37 result to the nearest one dollar. The annual and

38 cumulative inflation factors determined by the  
 39 director are not rules as defined in section 17A.2,  
 40 subsection 11. The director shall determine for the  
 41 1990 calendar year and each subsequent calendar year  
 42 the annual and cumulative standard deduction factors  
 43 to be applied to tax years beginning on or after  
 44 January 1 of that calendar year. The director shall  
 45 compute the new dollar amounts of the standard  
 46 deductions specified in section 422.9, subsection 1,  
 47 by the latest cumulative standard deduction factor and  
 48 round off the result to the nearest ten dollars. The  
 49 annual and cumulative standard deduction factors  
 50 determined by the director are not rules as defined in

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1 section 17A.2, subsection 11.  
 2 Sec. 15. EFFECTIVE AND APPLICABILITY DATES.  
 3 This Act, being deemed of immediate importance,  
 4 takes effect upon enactment and applies retroactively  
 5 to January 1, 2001, for tax years beginning on or  
 6 after that date."  
 7 2. Title page, by striking lines 1 through 3 and  
 8 inserting the following: "An Act relating to the  
 9 individual income tax by eliminating the deduction for  
 10 federal income taxes paid, decreasing the tax rates,  
 11 increasing the amount of the net income exclusion for  
 12 single individuals, and including effective and  
 13 retroactive applicability date provisions."

PATRICIA HARPER  
 JOHNIE HAMMOND  
 MATT McCOY  
 BETTY A. SOUKUP  
 TOM FLYNN  
 PATRICK J. DELUHERY  
 MIKE CONNOLLY  
 JOE BOLKCOM  
 ROBERT E. DVORSKY  
 MICHAEL E. GRONSTAL

## S-3717

1 Amend House File 577, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 12C.1, subsection 1, Code  
 6 2001, as amended by 2001 Iowa Acts, House File 637,  
 7 section 4, is amended to read as follows:  
 8 1. All funds held by the following officers or  
 9 institutions shall be deposited in one or more

10 depositories first approved by the appropriate  
11 governing body as indicated: for the treasurer of  
12 state, by the executive council; for judicial officers  
13 and court employees, by the supreme court; for the  
14 county treasurer, recorder, auditor, and sheriff, by  
15 the board of supervisors; for the city treasurer or  
16 other designated financial officer of a city, by the  
17 city council; for the county public hospital or merged  
18 area hospital, by the board of hospital trustees; for  
19 a memorial hospital, by the memorial hospital  
20 commission; for a school corporation, by the board of  
21 school directors; for a city utility or combined  
22 utility system established under chapter 388, by the  
23 utility board; for a library service area established  
24 under chapter 256, by the library service area board  
25 of trustees; and for an electric power agency as  
26 defined in section 28F.2 or 476A.20, by the governing  
27 body of the electric power agency. However, the  
28 treasurer of state and the treasurer of each political  
29 subdivision or the designated financial officer of a  
30 city shall invest all funds not needed for current  
31 operating expenses in time certificates of deposit in  
32 approved depositories pursuant to this chapter or in  
33 investments permitted by section 12B.10. The list of  
34 public depositories and the amounts severally  
35 deposited in the depositories are matters of public  
36 record. This subsection does not limit the definition  
37 of "public funds" contained in subsection 2.  
38 Notwithstanding provisions of this section to the  
39 contrary, public funds of a state government deferred  
40 compensation plan established by the executive council  
41 may also be invested in the investment products  
42 authorized under section 509A.12.

43 Sec. 2. Section 12C.1, subsection 2, paragraph b,  
44 Code 2001, is amended to read as follows:

45 b. "Public funds" and "public deposits" mean the  
46 moneys of the state or a political subdivision or  
47 instrumentality of the state including a county,  
48 school corporation, special district, drainage  
49 district, unincorporated town or township,  
50 municipality, or municipal corporation or any agency,

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1 board, or commission of the state or a political  
2 subdivision; any court or public body noted in  
3 subsection 1; a legal or administrative entity created  
4 pursuant to chapter 28E; an electric power agency as  
5 defined in section 28F.2 or 476A.20; and federal and  
6 state grant moneys of a quasi-public state entity that  
7 are placed in a depository pursuant to this chapter.

8 Sec. 3. Section 28F.2, Code 2001, is amended to

9 read as follows:

10 28F.2 DEFINITIONS.

11 As used in this chapter, unless the context  
12 otherwise requires:

13 1. The terms "public "Public agency", "state", and  
14 "private agency" shall have the meanings prescribed by  
15 section 28E.2.

16 2. The term "~~project~~" "Project" or "projects"  
17 shall mean means any works or facilities referred to  
18 in section 28F.1 and shall include all property real  
19 and personal, pertinent thereto or connected with such  
20 project or projects, and the existing works or  
21 facilities, if any, to which such project or projects  
22 are an extension, addition, betterment or improvement.

23 3. "Electric power agency" means an entity  
24 financing or acquiring electric power facilities  
25 pursuant to this chapter or chapter 28E or 476A.

26 Sec. 4. Section 427.1, subsection 2, Code 2001, is  
27 amended to read as follows:

28 2. MUNICIPAL AND MILITARY PROPERTY. The property  
29 of a county, township, city, school corporation, levee  
30 district, drainage district, or the Iowa national  
31 guard, when devoted to public use and not held for  
32 pecuniary profit, except property of a municipally  
33 owned electric utility held under joint ownership and  
34 property of an electric power facility financed under  
35 chapter 28F ~~which~~ or 476A that shall be subject to  
36 taxation under chapter 437A and facilities of a  
37 municipal utility that are used for the provision of  
38 local exchange services pursuant to chapter 476, but  
39 only to the extent such facilities are used to provide  
40 such services, which shall be subject to taxation  
41 under chapter 433, except that section 433.11 shall  
42 not apply. The exemption for property owned by a city  
43 or county also applies to property which is operated  
44 by a city or county as a library, art gallery or  
45 museum, conservatory, botanical garden or display,  
46 observatory or science museum, or as a location for  
47 holding athletic contests, sports or entertainment  
48 events, expositions, meetings or conventions, or  
49 leased from the city or county for any such purposes,  
50 or leased from the city or county by the Iowa national

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1 guard or by a federal agency for the benefit of the  
2 Iowa national guard when devoted for public use and  
3 not for pecuniary profit. Food and beverages may be  
4 served at the events or locations without affecting  
5 the exemptions, provided the city has approved the  
6 serving of food and beverages on the property if the  
7 property is owned by the city or the county has

8 approved the serving of food and beverages on the  
 9 property if the property is owned by the county.  
 10 Sec. 5. Section 437A.3, subsection 17, paragraph  
 11 b, Code 2001, is amended to read as follows:  
 12 b. An electric power generating plant where the  
 13 acquisition cost of all interests acquired exceeds ten  
 14 million dollars. For purposes of this paragraph,  
 15 "electric power generating plant" means each nameplate  
 16 rated electric power generating plant owned solely or  
 17 jointly by any person or electric power facility  
 18 financed under the provisions of chapter 28F or 476A  
 19 in which electrical energy is produced from other  
 20 forms of energy, including all equipment used in the  
 21 production of such energy through its step-up  
 22 transformer.

23 Sec. 6. Section 437A.6, subsection 1, paragraph b,  
 24 Code 2001, is amended to read as follows:

25 b. Facilities owned by or leased to a municipal  
 26 utility when devoted to public use and not held for  
 27 pecuniary profit, except facilities of a municipally  
 28 owned electric utility held under joint ownership or  
 29 lease and facilities of an electric power facility  
 30 financed under chapter 28F or 476A.

31 Sec. 7. Section 437A.7, subsection 2, paragraph a,  
 32 Code 2001, is amended to read as follows:

33 a. Transmission lines owned by or leased to a  
 34 municipal utility when devoted to public use and not  
 35 for pecuniary profit, except transmission lines of a  
 36 municipally owned electric utility held under joint  
 37 ownership and transmission lines of an electric power  
 38 facility financed under chapter 28F or 476A.

39 Sec. 8. Section 476.1A, Code 2001, is amended by  
 40 adding the following new subsection:

41 NEW SUBSECTION. 5A. Filing alternate energy  
 42 purchase program plans with the board, and offering  
 43 such programs to customers, pursuant to section  
 44 476.47.

45 Sec. 9. Section 476.1B, subsection 1, Code 2001,  
 46 is amended by adding the following new paragraphs:

47 NEW PARAGRAPH. m. An electric power agency as  
 48 defined in chapters 28F and 476A that includes as a  
 49 member a city or municipally owned utility that builds  
 50 transmission facilities after July 1, 2001, is subject

1 to applicable transmission reliability rules or  
 2 standards adopted by the board for those facilities.  
 3 n. Filing alternate energy purchase program plans  
 4 with the board, and offering such programs to  
 5 customers, pursuant to section 476.47.  
 6 Sec. 10. Section 476.6, Code 2001, is amended by

7 adding the following new subsection:

8 NEW SUBSECTION. 16B. ELECTRIC POWER GENERATING  
9 FACILITY EMISSIONS.

10 a. It is the intent of the general assembly that  
11 the state, through a collaborative effort involving  
12 state agencies and affected generation owners, provide  
13 for compatible statewide environmental and electric  
14 energy policies with respect to regulated emissions  
15 from rate-regulated electric power generating  
16 facilities in the state that are fueled by coal. Each  
17 rate-regulated public utility that is an owner of one  
18 or more electric power generating facilities fueled by  
19 coal and located in this state on July 1, 2001, shall  
20 develop a multiyear plan and budget for managing  
21 regulated emissions from its facilities in a cost-  
22 effective manner.

23 (1) The initial multiyear plan and budget shall be  
24 filed with the board by April 1, 2002. Updates to the  
25 plan and budget shall be filed at least every twenty-  
26 four months.

27 (2) Copies of the initial plan and budget, as well  
28 as any subsequent updates, shall be served on the  
29 environmental protection division of the department of  
30 natural resources.

31 (3) The initial multiyear plan and budget and any  
32 subsequent updates shall be considered in a contested  
33 case proceeding pursuant to chapter 17A. The  
34 environmental protection division of the department of  
35 natural resources and the consumer advocate shall  
36 participate as parties to the proceeding.

37 (4) The department of natural resources shall  
38 state whether the plan or update meets applicable  
39 state environmental requirements for regulated  
40 emissions. If the plan does not meet these  
41 requirements, the department shall recommend  
42 amendments that outline actions necessary to bring the  
43 plan or update into compliance with the environmental  
44 requirements.

45 b. The board shall not approve a plan or update  
46 that does not meet applicable state environmental  
47 requirements and federal ambient air quality standards  
48 for regulated emissions from electric power generating  
49 facilities located in the state.

50 c. The board shall review the plan or update and

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1 the associated budget, and shall approve the plan or  
2 update and the associated budget if the plan or update  
3 and the associated budget are reasonably expected to  
4 achieve cost effective compliance with applicable  
5 state environmental requirements and federal ambient

6 air quality standards. In reaching its decision, the  
 7 board shall consider whether the plan or update and  
 8 the associated budget reasonably balance costs,  
 9 environmental requirements, economic development  
 10 potential, and the reliability of the electric  
 11 generation and transmission system.

12 d. The board shall issue an order approving or  
 13 rejecting a plan, update, or budget within one hundred  
 14 eighty days after the public utility's filing is  
 15 deemed complete; however, upon good cause shown, the  
 16 board may extend the time for issuing the order as  
 17 follows:

18 (1) The board may grant an extension of thirty  
 19 days.

20 (2) The board may grant more than one extension,  
 21 but each extension must rely upon a separate showing  
 22 of good cause.

23 (3) A subsequent extension must not be granted any  
 24 earlier than five days prior to the expiration of the  
 25 original one-hundred-eighty-day period, or the current  
 26 extension.

27 e. The reasonable costs incurred by a rate-  
 28 regulated public utility in preparing and filing the  
 29 plan, update, or budget and in participating in the  
 30 proceedings before the board and the reasonable costs  
 31 associated with implementing the plan, update, or  
 32 budget shall be included in its regulated retail  
 33 rates.

34 f. It is the intent of the general assembly that  
 35 the board, in an environmental plan, update, or  
 36 associated budget filed under this section by a rate-  
 37 regulated public utility, may limit investments or  
 38 expenditures that are proposed to be undertaken prior  
 39 to the time that the environmental benefit to be  
 40 produced by the investment or expenditure would be  
 41 required by state or federal law.

42 g. The board shall report to the general assembly  
 43 by January 21, 2003, on the appropriateness and  
 44 desirability of requiring the municipal utilities and  
 45 the rural electric cooperatives to file multiyear  
 46 plans and budgets for managing regulated emissions  
 47 from their electric power generating facilities fueled  
 48 by coal and located in this state, similar to the  
 49 process required for rate-regulated public utilities  
 50 under this subsection.

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1 Sec. 11. NEW SECTION. 476.47 ALTERNATE ENERGY  
 2 PURCHASE PROGRAMS.

3 1. Beginning January 1, 2004, an electric utility,  
 4 whether or not rate-regulated under this chapter,

5 shall offer an alternate energy purchase program to  
6 customers, based on energy produced by alternate  
7 energy production facilities in Iowa.

8 2. The board shall require electric utilities to  
9 file plans for alternate energy purchase programs  
10 offered pursuant to this section.

11 a. Rate-regulated electric utilities shall file  
12 plans for alternate energy purchase programs that  
13 allow customers to contribute voluntarily to the  
14 development of alternate energy in Iowa, and shall  
15 file tariffs as required by the board by rule.

16 b. Electric utilities that are not rate-regulated  
17 shall offer alternate energy purchase programs at  
18 rates determined by their governing authority, and  
19 shall file tariffs with the board for informational  
20 purposes only.

21 3. The electric utility shall notify consumers of  
22 its alternate energy purchase program and any proposed  
23 modifications to such program at least sixty days  
24 prior to implementation of the program or any  
25 modification.

26 4. For purposes of this section, an electric  
27 utility may base its program on energy produced by  
28 alternate energy production facilities located outside  
29 of Iowa under any of the following circumstances:

30 a. The energy is purchased by the electric utility  
31 pursuant to a contract in effect prior to July 1,  
32 2001, and continues until the expiration of the  
33 contract, including any options to renew that are  
34 exercised by the electric utility.

35 b. The electric utility has a financial interest,  
36 as of July 1, 2001, in the alternate energy production  
37 facility that is located outside of Iowa, or in an  
38 entity that has a financial interest in an alternate  
39 energy production facility located outside of Iowa.

40 c. The energy is purchased by an electric utility  
41 that is not rate-regulated and that is required to  
42 purchase all of its electric power requirements from a  
43 single supplier that is physically located outside of  
44 Iowa.

45 5. This section shall not apply to non-rate-  
46 regulated electric utilities physically located  
47 outside of Iowa that serve Iowa customers.

48 6. Any consumer-owned utility may apply to the  
49 board for a waiver under this section, and the board,  
50 for good cause, may grant the waiver.

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1 Sec. 12. Section 476.53, Code 2001, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 476.53 ELECTRIC GENERATING AND TRANSMISSION  
5 FACILITIES.

6 1. It is the intent of the general assembly to  
7 attract the development of electric power generating  
8 and transmission facilities within the state in  
9 sufficient quantity to ensure reliable electric  
10 service to Iowa consumers and provide economic  
11 benefits to the state.

12 2. The general assembly's intent with regard to  
13 the development of electric power generating and  
14 transmission facilities, as provided in subsection 1,  
15 shall be implemented in a manner that is cost-  
16 effective and compatible with the environmental  
17 policies of the state, as expressed in Title XI.

18 3. a. If a rate-regulated public utility files an  
19 application pursuant to section 476A.3 to construct in  
20 Iowa a baseload electric power generating facility  
21 with a nameplate generating capacity equal to or  
22 greater than three hundred megawatts or a combined-  
23 cycle electric power generating facility, or an  
24 alternate energy production facility as defined in  
25 section 476.42, or if a rate-regulated public utility  
26 leases or owns in Iowa, in whole or in part, a new  
27 baseload electric power generating facility with a  
28 nameplate generating capacity equal to or greater than  
29 three hundred megawatts or a combined-cycle electric  
30 power generating facility, or a new alternate energy  
31 production facility as defined in section 476.42, the  
32 board shall specify in advance, by order issued after  
33 a contested case proceeding, the ratemaking principles  
34 that will apply when the costs of the facility are  
35 included in regulated electric rates.

36 b. In determining the applicable ratemaking  
37 principles, the board shall not be limited to  
38 traditional ratemaking principles or traditional cost  
39 recovery mechanisms.

40 c. In determining the applicable ratemaking  
41 principles, the board shall make the following  
42 findings:

43 (1) The rate-regulated public utility has in  
44 effect a board-approved energy efficiency plan as  
45 required under section 476.6, subsection 19.

46 (2) The rate-regulated public utility has  
47 demonstrated to the board that the public utility has  
48 considered other sources for long-term electric supply  
49 and that the facility or lease is reasonable when  
50 compared to other feasible alternative sources of

3 competitive bidding process, under rules adopted by  
4 the board, that demonstrate the facility or lease is a  
5 reasonable alternative to meet its electric supply  
6 needs.

7 d. The applicable ratemaking principles shall be  
8 determined in a contested case proceeding, which  
9 proceeding may be combined with the proceeding for  
10 issuance of a certificate conducted pursuant to  
11 chapter 476A.

12 e. The order setting forth the applicable  
13 ratemaking principles shall be issued prior to the  
14 commencement of construction or lease of the facility.

15 f. Following issuance of the order, the rate-  
16 regulated public utility shall have the option of  
17 proceeding with construction or lease of the facility  
18 in Iowa, or withdrawing its application for a  
19 certificate under chapter 476A.

20 g. Notwithstanding any provision of this chapter  
21 to the contrary, the ratemaking principles established  
22 by the order issued pursuant to paragraph "e" shall be  
23 binding with regard to the specific electric power  
24 generating facility in any subsequent rate proceeding.

25 Sec. 13. Section 476A.4, Code 2001, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 5. A proceeding for the issuance  
28 of a certificate under section 476A.5 may be  
29 consolidated with a contested case proceeding for  
30 determination of applicable ratemaking principles  
31 under section 476.53.

32 Sec. 14. Section 476A.6, Code 2001, is amended to  
33 read as follows:

34 476A.6 DECISION -- CRITERIA.

35 The board shall render a decision on the  
36 application in an expeditious manner. A certificate  
37 shall be issued to the applicant if the board finds  
38 all of the following:

39 1. The services and operations resulting from the  
40 construction of the facility are ~~required by the~~  
41 ~~present or future public convenience, use and~~  
42 ~~necessity consistent with legislative intent as~~  
43 expressed in section 476.53 and the economic  
44 development policy of the state as expressed in Title  
45 I, subtitle 5, and will not be detrimental to the  
46 provision of adequate and reliable electric service.

47 2. The applicant is willing to ~~perform such~~  
48 ~~services and~~ construct, maintain, and operate the  
49 facility pursuant to the provisions of the certificate  
50 and this chapter.

1 3. The construction, maintenance, and operation of  
 2 the facility will ~~cause minimum adverse~~ be consistent  
 3 with reasonable land use, ~~and~~ environmental, ~~and~~  
 4 aesthetic impact policies and are consonant with  
 5 reasonable utilization of air, land, and water  
 6 resources, ~~for beneficial purposes~~ considering  
 7 available technology and the economics of available  
 8 alternatives.

9 ~~4. The applicant, if a public utility as defined~~  
 10 ~~in section 476.1, has in effect a comprehensive energy~~  
 11 ~~management program designed to reduce peak loads and~~  
 12 ~~to increase efficiency of use of energy by all classes~~  
 13 ~~of customers of the utility, and the facility in the~~  
 14 ~~application is necessary notwithstanding the existence~~  
 15 ~~of the comprehensive energy management program. As~~  
 16 ~~used in this subsection, a "comprehensive energy~~  
 17 ~~management program" includes at a minimum the~~  
 18 ~~following:~~

- 19 a. ~~Establishment of load management and~~  
 20 ~~interruptible service programs, where cost effective.~~
- 21 b. ~~Development of wheeling agreements and other~~  
 22 ~~energy sharing agreements, where cost effective with~~  
 23 ~~utilities that have available capacity.~~
- 24 c. ~~Establishment of cost effective energy~~  
 25 ~~efficiency and renewable energy services and programs.~~
- 26 d. ~~Compliance with board rules on energy~~  
 27 ~~management procedures.~~

28 ~~5. The applicant, if a public utility as defined~~  
 29 ~~in section 476.1, shall demonstrate to the board that~~  
 30 ~~the utility has considered sources for long term~~  
 31 ~~electric supply from either purchase of electricity or~~  
 32 ~~investment in facilities owned by other persons.~~

33 ~~6. The applicant, if a public utility as defined~~  
 34 ~~in section 476.1, has considered all feasible~~  
 35 ~~alternatives to the proposed facility including~~  
 36 ~~nongeneration alternatives; has ranked those~~  
 37 ~~alternatives by cost; has implemented the least cost~~  
 38 ~~alternatives first; and the facility in the~~  
 39 ~~application is necessary notwithstanding the~~  
 40 ~~implementation of these alternatives.~~

41 Sec. 15. Section 476A.7, Code 2001, is amended by  
 42 adding the following new subsection:

43 NEW SUBSECTION. 3. Pursuant to the provisions of  
 44 section 476.53, a rate-regulated public utility shall  
 45 have the option of withdrawing its application for  
 46 issuance of a certificate at any time prior to the  
 47 issuance of the certificate, or after the certificate  
 48 has been issued.

49 Sec. 16. Section 476A.15, Code 2001, is amended to  
 50 read as follows:

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1 476A.15 WAIVER.

2 The board, if it determines that the public  
3 interest would not be adversely affected, may waive  
4 any of the requirements of this chapter ~~for facilities~~  
5 ~~with a capacity of one hundred or fewer megawatts.~~

6 Sec. 17. NEW SECTION. 476A.20 DEFINITIONS.

7 For purposes of this subchapter, unless the context  
8 otherwise requires:

9 1. "Electric power agency" means an entity as  
10 defined in section 28F.2.

11 2. "Facility" means an electric power generating  
12 plant, or transmission line or system, as defined in  
13 section 476A.1.

14 3. "Public bond or obligation" means an obligation  
15 as defined in section 76.14.

16 Sec. 18. NEW SECTION. 476A.21 ELECTRIC POWER  
17 AGENCY -- GENERAL AUTHORITY.

18 In addition to other powers conferred upon an  
19 electric power agency by chapter 28F or other  
20 applicable law, an electric power agency may enter  
21 into and carry out joint agreements with other  
22 participants for the acquisition of ownership of a  
23 joint facility and for the planning, financing,  
24 operation, and maintenance of the joint facility, as  
25 provided in this subchapter.

26 Sec. 19. NEW SECTION. 476A.22 ELECTRIC POWER  
27 AGENCY -- AUTHORITY -- CONFLICTING PROVISIONS.

28 1. In addition to any powers conferred upon an  
29 electric power agency under chapter 28F or other  
30 applicable law, an electric power agency may exercise  
31 all other powers reasonably necessary or appropriate  
32 for or incidental to the effectuation of the electric  
33 power agency's authorized purposes, including without  
34 limitation, the powers enumerated in chapters 6A and  
35 6B for purposes of constructing or acquiring an  
36 electric power facility.

37 2. An electric power agency, in connection with  
38 its property and affairs, and in connection with  
39 property within its control, may exercise any and all  
40 powers that might be exercised by a natural person or  
41 a private corporation in connection with similar  
42 property and affairs.

43 3. The enumeration of specified powers and  
44 functions of an electric power agency in this  
45 subchapter is not a limitation of the powers of an  
46 electric power agency, but the procedures prescribed  
47 for exercising the powers and functions enumerated in  
48 this subchapter control and govern in the event of any  
49 conflict with any other provision of law.

50 4. The authority conferred pursuant to this

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1 subchapter applies to electric power agencies,  
2 notwithstanding any contrary provisions of section  
3 28F.1.  
4 Sec. 20. NEW SECTION. 476A.23 ISSUANCE OF PUBLIC  
5 BONDS OR OBLIGATIONS -- PURPOSES -- LIMITATIONS.  
6 1. An electric power agency may from time to time  
7 issue its public bonds or obligations in such  
8 principal amounts as the electric power agency deems  
9 necessary to provide sufficient funds to carry out any  
10 of its purposes and powers, including but not limited  
11 to any of the following:  
12 a. The acquisition or construction of any project  
13 to be owned or leased by the electric power agency, or  
14 the acquisition of any interest in such project or any  
15 right to the capacity of such project, including the  
16 acquisition, construction, or acquisition of any  
17 interest in an electric power generating plant to be  
18 constructed in this state, or the acquisition,  
19 construction, or acquisition of any interest in a  
20 transmission line or system.  
21 b. The funding or refunding of the principal of,  
22 or interest or redemption premiums on, any public  
23 bonds or obligations issued by the electric power  
24 agency whether or not the public bonds or obligations  
25 or interest to be funded or refunded have become due.  
26 c. The establishment or increase of reserves to  
27 secure or to pay the public bonds or obligations or  
28 interest on the public bonds or obligations.  
29 d. The payment of all other costs or expenses of  
30 the electric power agency incident to and necessary to  
31 carry out its purposes and powers.  
32 2. Notwithstanding anything in this subchapter or  
33 chapter 28F to the contrary, a facility shall not be  
34 financed with the proceeds of public bonds or  
35 obligations, the interest on which is exempt from  
36 federal income tax, unless the public issuer of such  
37 public bonds or obligations covenants that the issuer  
38 shall comply with the requirements or limitations  
39 imposed by the Internal Revenue Code or other  
40 applicable federal law to preserve the tax exemption  
41 of interest payable on the bonds or obligations.  
42 3. Notwithstanding anything in this subchapter or  
43 chapter 28F to the contrary, an electric power  
44 generating facility shall not be financed under this  
45 subchapter unless all of the following conditions are  
46 satisfied:  
47 a. The portion of the electric power generating  
48 facility financed by the electric power agency is not  
49 designed to serve the electric power requirements of  
50 retail customers of members that are municipal

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1 electric utilities established in the state after  
2 January 1, 2001.

3 b. The electric power agency annually files with  
4 the board, in a manner to be determined by the board,  
5 information regarding sales from the electric power  
6 generating facility in sufficient detail to determine  
7 compliance with these provisions.

8 The board shall report to the general assembly if  
9 any of the provisions are being violated.

10 Sec. 21. NEW SECTION. 476A.24 PUBLIC BONDS OR  
11 OBLIGATIONS AUTHORIZED BY RESOLUTION OF BOARD --  
12 TERMS.

13 1. The board of directors of an electric power  
14 agency, by resolution, may authorize the issuance of  
15 public bonds or obligations of the electric power  
16 agency.

17 2. The public bonds or obligations may be issued  
18 in one or more series under the resolution or under a  
19 trust indenture or other security agreement.

20 3. The resolution, trust indenture, or other  
21 security agreement, with respect to such public bonds  
22 or obligations, shall provide for all of the  
23 following:

24 a. The date on the public bonds or obligations.

25 b. The time of maturity.

26 c. The rate of interest.

27 d. The denomination.

28 e. The form, either coupon or registered.

29 f. The conversion, registration, and exchange  
30 privileges.

31 g. The rank or priority.

32 h. The manner of execution.

33 i. The medium of payment, including the place of  
34 payment, either within or outside of the state.

35 j. The terms of redemption, either with or without  
36 premium.

37 k. Such other terms and conditions as set forth by  
38 the board in the resolution, trust indenture, or other  
39 security agreement.

40 4. Public bonds or obligations authorized by the  
41 board of directors shall not be subject to any  
42 restriction under other law with respect to the  
43 amount, maturity, interest rate, or other terms of  
44 obligation of a public agency or private person.

45 5. Chapter 75 shall not apply to public bonds or  
46 obligations authorized by the board of directors as  
47 provided in this section.

48 Sec. 22. NEW SECTION. 476A.25 PUBLIC BONDS OR  
49 OBLIGATIONS PAYABLE SOLELY FROM AGENCY REVENUES OR  
50 FUNDS.

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1 1. The principal of and interest on any public  
2 bonds or obligations issued by an electric power  
3 agency shall be payable solely from the revenues or  
4 funds pledged or available for their payment as  
5 authorized in this subchapter.

6 2. Each public bond or obligation shall contain  
7 all of the following terms:

8 a. That the principal of or interest on such  
9 public bonds or obligations is payable solely from  
10 revenues or funds of the electric power agency.

11 b. That neither the state or a political  
12 subdivision of the state other than the electric power  
13 agency, nor a public agency that is a member of the  
14 electric power agency is obligated to pay the  
15 principal or interest on such public bonds or  
16 obligations.

17 c. That neither the full faith and credit nor the  
18 taxing power of the state, of any political  
19 subdivision of the state, or of any such public agency  
20 is pledged to the payment of the principal of or the  
21 interest on the public bonds or obligations.

22 Sec. 23. NEW SECTION. 476A.26 PUBLIC BONDS OR  
23 OBLIGATIONS -- TYPES -- SOURCES FOR PAYMENT --  
24 SECURITY.

25 1. Except as otherwise expressly provided by this  
26 subchapter or by the electric power agency, every  
27 issue of public bonds or obligations of the electric  
28 power agency shall be payable out of any revenues or  
29 funds of the electric power agency, subject only to  
30 any agreements with the holders of particular public  
31 bonds or obligations pledging any particular revenues  
32 or funds.

33 2. An electric power agency may issue types of  
34 public bonds or obligations as it may determine,  
35 including public bonds or obligations as to which the  
36 principal and interest are payable exclusively from  
37 the revenues from one or more projects, or from an  
38 interest in such project or projects, or a right to  
39 capacity of such project or projects, or from any  
40 revenue-producing contract made by the electric power  
41 agency with any person, or from its revenues  
42 generally.

43 3. Any public bonds or obligations may be  
44 additionally secured by a pledge of any grant,  
45 subsidy, or contribution from any public agency or  
46 other person, or a pledge of any income or revenues,  
47 funds, or moneys of the electric power agency from any  
48 other source.

49 Sec. 24. NEW SECTION. 476A.27 PUBLIC BONDS OR  
50 OBLIGATIONS AND RATES FOR DEBT SERVICE NOT SUBJECT TO

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1 STATE APPROVAL.

2 Public bonds or obligations of an electric power  
3 agency may be issued under this subchapter, and rents,  
4 rates, and charges may be established in the same  
5 manner as provided in section 28F.5 and pledged for  
6 the security of public bonds or obligations and  
7 interest and redemption premiums on such public bonds  
8 or obligations, without obtaining the consent of any  
9 department, division, commission, board, bureau, or  
10 agency of the state and without any other proceeding  
11 or the happening of any other condition or occurrence,  
12 except as specifically required by this subchapter.

13 Sec. 25. NEW SECTION. 476A.28 PUBLIC BONDS OR  
14 OBLIGATIONS TO BE NEGOTIABLE.

15 All public bonds or obligations of an electric  
16 power agency shall be negotiable within the meaning  
17 and for all of the purposes of the uniform commercial  
18 code, chapter 554, subject only to the registration  
19 requirement of section 76.10.

20 Sec. 26. NEW SECTION. 476A.29 VALIDITY OF PUBLIC  
21 BONDS OR OBLIGATIONS AT DELIVERY -- TEMPORARY BONDS.

22 1. Any public bonds or obligations may be issued  
23 and delivered, notwithstanding that one or more of the  
24 officers executing them shall have ceased to hold  
25 office at the time when the public bonds or  
26 obligations are actually delivered.

27 2. Pending preparation of definitive bonds or  
28 obligations, an electric power agency may issue  
29 temporary bonds or obligations that shall be exchanged  
30 for the definitive bonds or obligations upon their  
31 issuance.

32 Sec. 27. NEW SECTION. 476A.30 PUBLIC OR PRIVATE  
33 SALE OF BONDS AND NOTES.

34 Public bonds or obligations of an electric power  
35 agency may be sold at public or private sale for a  
36 price and in a manner determined by the electric power  
37 agency.

38 Sec. 28. NEW SECTION. 476A.31 PUBLIC BONDS OR  
39 OBLIGATIONS AS SUITABLE INVESTMENTS FOR GOVERNMENTAL  
40 UNITS, FINANCIAL INSTITUTIONS, AND FIDUCIARIES.

41 The following persons may legally invest any debt  
42 service funds, money, or other funds belonging to such  
43 person or within such person's control in any public  
44 bonds or obligations issued pursuant to this  
45 subchapter:

46 1. A bank, trust company, savings association,  
47 building and loan association, savings and loan  
48 association, or investment company.

49 2. An insurance company, insurance association, or  
50 any other person carrying on an insurance business.

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1 3. An executor, administrator, conservator,  
2 trustee, or other fiduciary.

3 4. Any other person authorized to invest in bonds  
4 or obligations of the state.

5 Sec. 29. NEW SECTION. 476A.32 RESOLUTION, TRUST  
6 INDENTURE, OR SECURITY AGREEMENT CONSTITUTES CONTRACT  
7 -- PROVISIONS.

8 The resolution, trust indenture, or other security  
9 agreement under which any public bonds or obligations  
10 are issued shall constitute a contract with the  
11 holders of the public bonds or obligations, and may  
12 contain provisions, among others, prescribing any of  
13 the following terms:

14 1. The terms and provisions of the public bonds or  
15 obligations.

16 2. The mortgage or pledge of and the grant of a  
17 security interest in any real or personal property and  
18 all or any part of the revenue from any project or any  
19 revenue producing contract made by the electric power  
20 agency with any person to secure the payment of public  
21 bonds or obligations, subject to any agreements with  
22 the holders of public bonds or obligations which might  
23 then exist.

24 3. The custody, collection, securing, investment,  
25 and payment of any revenues, assets, money, funds, or  
26 property with respect to which the electric power  
27 agency may have any rights or interest.

28 4. The rates or charges for electric energy sold  
29 by, or services rendered by, the electric power  
30 agency, the amount to be raised by the rates or  
31 charges, and the use and disposition of any or all  
32 revenue.

33 5. The creation of reserves or debt service funds  
34 and the regulation and disposition of such reserves or  
35 funds.

36 6. The purposes to which the proceeds from the  
37 sale of any public bonds or obligations to be issued  
38 may be applied, and the pledge of the proceeds to  
39 secure the payment of the public bonds or obligations.

40 7. Limitations on the issuance of any additional  
41 public bonds or obligations, the terms upon which  
42 additional public bonds or obligations may be issued  
43 and secured, and the refunding of outstanding public  
44 bonds or obligations.

45 8. The rank or priority of any public bonds or  
46 obligations with respect to any lien or security.

47 9. The creation of special funds or moneys to be  
48 held for operating expenses, payment, or redemption of  
49 public bonds or obligations, reserves or other  
50 purposes, and the use and disposition of moneys held

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1 in these funds.

2 10. The procedure by which the terms of any  
3 contract with or for the benefit of the holders of  
4 public bonds or obligations may be amended or  
5 abrogated, the amount of public bonds or obligations  
6 the holders of which must consent to such amendment or  
7 abrogation, and the manner in which consent may be  
8 given.

9 11. The definition of the acts or omissions to act  
10 that constitute a default in the duties of the  
11 electric power agency to holders of its public bonds  
12 or obligations, and the rights and remedies of the  
13 holders in the event of default including, if the  
14 electric power agency so determines, the right to  
15 accelerate the date of the maturation of the public  
16 bonds or obligations or the right to appoint a  
17 receiver or receivers of the property or revenues  
18 subject to the lien of the resolution, trust  
19 indenture, or other security agreement.

20 12. Any other or additional agreements with or for  
21 the benefit of the holders of public bonds or  
22 obligations or any covenants or restrictions necessary  
23 or desirable to safeguard the interests of the  
24 holders.

25 13. The custody of any of the electric power  
26 agency's property or investments, the safekeeping of  
27 such property or investments, the insurance to be  
28 carried on such property or investments, and the use  
29 and disposition of insurance proceeds.

30 14. The vesting in a trustee or trustees, within  
31 or outside the state, of such property, rights,  
32 powers, and duties as the electric power agency may  
33 determine; or the limiting or abrogating of the rights  
34 of the holders of any public bonds or obligations to  
35 appoint a trustee, or the limiting of the rights,  
36 powers, and duties of such trustee.

37 15. The appointment of and the establishment of  
38 the duties and obligations of any paying agent or  
39 other fiduciary within or outside the state.

40 Sec. 30. NEW SECTION. 476A.33 MORTGAGE OR TRUST  
41 DEED TO SECURE BONDS.

42 For the security of public bonds or obligations  
43 issued or to be issued by an electric power agency,  
44 the electric power agency may mortgage or execute  
45 deeds of trust of the whole or any part of its  
46 property.

47 Sec. 31. NEW SECTION. 476A.34 NO PERSONAL  
48 LIABILITY ON PUBLIC BONDS OR OBLIGATIONS.

49 An official, director, member of an electric power  
50 agency, or any person executing public bonds or

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1 obligations shall not be liable personally on the  
2 public bonds or obligations or be subject to any  
3 personal liability or accountability by reason of the  
4 issuance of such public bonds or obligations.

5 Sec. 32. NEW SECTION. 476A.35 REPURCHASE OF  
6 SECURITIES.

7 An electric power agency may purchase public bonds  
8 or obligations out of any funds available for such  
9 purchase, and hold, pledge, cancel, or resell the  
10 public bonds or obligations, subject to and in  
11 accordance with any agreements with the holders.

12 Sec. 33. NEW SECTION. 476A.36 PLEDGE OF REVENUE  
13 AS SECURITY.

14 An electric power agency may pledge its rates,  
15 rents, and other revenues, or any part of such rates,  
16 rents, and revenues, as security for the repayment,  
17 with interest and redemption premiums, if any, of the  
18 moneys borrowed by the electric power agency or  
19 advanced to the electric power agency for any of its  
20 authorized purposes and as security for the payment of  
21 moneys due and owed by the electric power agency under  
22 any contract.

23 Sec. 34. Section 478.3, Code 2001, is amended by  
24 adding the following new subsection:

25 NEW SUBSECTION. 3. For the purpose of this  
26 section, the term "public" shall not be interpreted to  
27 be limited to consumers located in this state.

28 Sec. 35. CODE EDITOR DIRECTIVE. The Code editor  
29 shall change references to "this chapter" in sections  
30 476A.1 through 476A.15 as necessary and appropriate to  
31 reflect the addition of the new subchapter to chapter  
32 476A as a result of this Act.

33 Sec. 36. EFFECTIVE DATE. This Act, being deemed  
34 of immediate importance, takes effect upon enactment."

35 2. Title page, line 2, by inserting after the  
36 word "construction" the following: "or lease".

37 3. Title page, line 3, by inserting after the  
38 word "facility" the following: ", and for the  
39 development of ratemaking principles to apply to  
40 certain electric generating facilities".

41 4. Title page, lines 3 and 4, by striking the  
42 words "approval of power purchase contracts";

43 5. Title page, line 5, by inserting after the  
44 word "policy;" the following: "providing for  
45 alternate energy purchase programs; approval of plans  
46 and budgets for regulating emissions from coal-fired  
47 plants;".

48 6. Title page, line 11, by inserting after the  
49 word "transmission" the following: "; and providing  
50 an effective date".

JOANN JOHNSON



**REPORTS OF CONFERENCE COMMITTEES  
(Senate Files)**

**Filed During the  
Seventy-Ninth General Assembly  
2001 Regular Session**

## REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 203

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 203, a bill for an Act extending the regular program district cost guarantee for school districts, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1745.

2. That the House amendment, S-3535, to Senate File 203, as passed by the Senate, is amended to read as follows:

1. Page 4, line 10, by inserting after the word "twelve" the following: ", and may include a virtual academy".

2. By striking page 6, line 13, through page 9, line 10, and inserting the following: "Sec. \_\_\_\_ Section 257.14, subsection 2, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

2. For the budget years commencing July 1, 2002, and July 1, 2003, if the department of management determines that the regular program district cost of a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the school district shall be eligible to receive a budget adjustment for that district for that budget year up to an amount equal to the difference. The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall adopt a resolution to receive the budget adjustment and shall, by April 1, annually, notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

Sec. \_\_\_\_ Section 257.14, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 3. For the budget year commencing July 1, 2004, and succeeding budget years, if the department of management determines that the regular program district cost of a school district for a budget year is less than one hundred one percent of the regular program district cost for the base year for that school district, a district shall be eligible for a budget adjustment corresponding to the following schedule:

a. For the budget year commencing July 1, 2004, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or ninety percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2004, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

b. For the budget year commencing July 1, 2005, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or eighty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2005, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

c. For the budget year commencing July 1, 2006, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or seventy percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2006, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

d. For the budget year commencing July 1, 2007, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or sixty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2007, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

e. For the budget year commencing July 1, 2008, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or fifty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2008, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

f. For the budget year commencing July 1, 2009, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or forty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2009, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

g. For the budget year commencing July 1, 2010, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or thirty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2010, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

h. For the budget year commencing July 1, 2011, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or twenty percent of the amount by which the budget guarantee as calculated for the budget year beginning July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2011, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

i. For the budget year commencing July 1, 2012, the greater of the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year, or ten percent of the amount by which the budget guarantee as calculated for the budget year beginning

July 1, 2003, exceeds the adjusted guarantee amount. For purposes of this paragraph, the "adjusted guarantee amount" means the amount which would be applicable for the budget year beginning July 1, 2012, if the budget guarantee were determined for that budget year as calculated for the budget year beginning July 1, 2003.

j. For the budget year commencing July 1, 2013, and each budget year thereafter, the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year.

For the purposes of this subsection, a school district shall be eligible to apply the eighty, seventy, sixty, fifty, forty, thirty, twenty, and ten percent provisions in paragraphs "b" through "i", only if the school district received a budget adjustment for the budget year beginning July 1, 2004, based on the ninety percent provision in paragraph "a".

The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall adopt a resolution to receive the budget adjustment and shall, by April 1, annually, notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received."

3. By renumbering as necessary.

On the part of the Senate:

NANCY BOETTGER, Chair  
JEFF ANGELO  
MICHAEL CONNOLLY  
JACK KIBBIE  
JOHN REDWINE

On the part of the House:

BOB BRUNKHORST, Chair  
CARMINE BOAL  
BETTY GRUNDBERG  
MARY MASCHER  
PHIL WISE

## REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 346

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 346, a bill for an Act relating to the department of corrections by providing for the use of deadly force by correctional or peace officers, for submission of presentence investigation reports to the department, for establishing a training fund in the department, for transcription and recording of testimony for certain investigations conducted by the department of corrections, and for purchases by a department or agency from Iowa state industries, respectfully make the following report:

1. That the House recedes from its amendment, S-3376.

2. That Senate File 346, as passed by the Senate, is amended to read as follows:

1. Page 1, by inserting before line 1, the following:

"Section 1. Section 232.68, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The commission of bestiality in the presence of a minor under section 717C.1 by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child."

2. Page 1, line 12, by striking the words "~~may shall~~" and inserting the following: "may".

3. Page 1, by inserting after line 15, the following:

"Sec.     . NEW SECTION. 717C.1 BESTIALITY.

1. For purposes of this section:

a. "Animal" means any nonhuman vertebrate, either dead or alive.

b. "Sex act" means any sexual contact between a person and an animal by penetration of the penis into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other.

2. A person who performs a sex act with an animal, is guilty of an aggravated misdemeanor.

3. Upon a conviction for a violation of this section, and in addition to any sentence authorized by law, the court shall require the person to submit to a psychological evaluation and treatment at the person's expense."

4. Page 2, by inserting after line 27, the following:

"Sec. \_\_. Section 904.310, Code 2001, is amended to read as follows:  
904.310 CANTEENS.

The director may maintain a canteen at an institution under the director's jurisdiction for the sale to persons confined in the institution of items such as toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. The director shall specify the items to be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen and donations designated by inmates for reimbursement of victims' travel expenses. Any money in the fund over the amount needed to do normal business transactions, ~~and to reimburse any accounts which have subsidized the canteen fund, and to reimburse victims' travel expenses,~~ shall be considered profit. This money may remain in the canteen fund and be used for any purchase which the superintendent approves that will directly and collectively benefit the inmates of the institution or to reimburse victims' travel expenses."

5. Page 3, line 8, by inserting after the word "later." the following: "However, a recording of testimony involving any employee of the department shall continue to be filed and maintained until the employee no longer is employed by the department."

6. By striking page 3, line 9, through page 4, line 4.

7. Title page, line 2, by inserting after the word "officers," the following: "for the creation of a new criminal offense with a correctional impact,".

8. Title page, line 5, by inserting after the word "department," the following: "for inmate donations for victims' travel expenses, and".

9. Title page, by striking lines 7 and 8, and inserting the following: "corrections."

10. By renumbering as necessary.

On the part of the Senate:

ANDY McKEAN, Chair  
JEFF ANGELO  
STEVE KING

On the part of the House:

CLEL BAUDLER, Chair  
GEORGE EICHHORN  
KEITH KREIMAN  
CHUCK LARSON  
MARK TREMMEL



**SENATE RESOLUTIONS AND  
CONCURRENT RESOLUTIONS**

**Adopted and not Previously  
Printed During the**

**Seventy-Ninth General Assembly**

**2001 Regular Session**

## RESOLUTIONS ADOPTED

Senate resolutions and concurrent resolutions adopted and not previously printed during the Seventy-ninth General Assembly, 2001 Regular Session.

**SENATE RESOLUTION 1:** filed January 11, 2001; adopted by the Senate on January 16, 2001.

### SENATE RESOLUTION 1

1 By: Behn  
2 (COMPANION TO LSB 1543HH BY ROBERTS)  
3 A Senate resolution congratulating Mr. Thomas H.  
4 Paulsen for being named the Iowa Teacher of the Year  
5 for 2000.  
6 WHEREAS, Mr. Thomas H. Paulsen was influenced by  
7 two forces that shape many an Iowan -- a love of  
8 agriculture gained from his birth and upbringing on an  
9 Iowa family farm, and a love of education, instilled  
10 by his mother, who taught in a country school until  
11 his birth; and  
12 WHEREAS, he was further guided in the ninth grade  
13 toward his own teaching career by an inspirational  
14 agriculture education teacher; and  
15 WHEREAS, he received his undergraduate degree in  
16 agriculture education from Northwest Missouri State  
17 University and his master's degree from the Iowa State  
18 University; and  
19 WHEREAS, Mr. Paulsen has served 13 years as an  
20 agriculture education instructor -- first at  
21 Lynnville-Sully High School and currently at Carroll  
22 High School, and as a Future Farmers of America (FFA)  
23 advisor and a football and basketball coach; and  
24 WHEREAS, during this service, Mr. Paulsen has  
25 earned numerous awards and recognition, including the  
26 Iowa Vocational Agriculture Teachers' Association  
27 Outstanding Young Member, American Vocational  
28 Association Outstanding Young Member, Carroll County  
29 Environmental Educator of the Year, and Carroll Rotary

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1 Club Public School Teacher of the Year for 1999; and  
2 WHEREAS, Mr. Paulsen developed and shaped the  
3 agriculture education program that Carroll High School  
4 and Kuemper Catholic High School cooperatively share  
5 in Carroll; and  
6 WHEREAS, Mr. Paulsen is a source of constant  
7 encouragement and guidance for FFA members, leading

8 them to projects that not only provide the students  
9 with learning opportunities, but which also benefit  
10 the community; and

11 WHEREAS, the National Riparian (Streamside) Buffer  
12 Initiative is a fine example of such a project, as FFA  
13 members have worked diligently with public and private  
14 sector partners to recruit landowners to use native  
15 grasses as vegetative buffer strips on over 500 acres  
16 to increase wildlife habitat while reducing soil  
17 erosion and increasing water quality for neighbors who  
18 utilize the Middle Raccoon River for their municipal  
19 water supply; and

20 WHEREAS, Mr. Paulsen acts as a mentor to other  
21 agriculture education teachers and, as a pilot member  
22 of the statewide Agriculture Educators' Professional  
23 Development Committee, he has assisted in developing  
24 an ongoing program for agriculture education  
25 instructors to further develop their technical  
26 teaching, classroom management, and personal  
27 development while receiving continuing education  
28 credit; and

29 WHEREAS, Mr. Paulsen was selected as Teacher of the  
30 Year for 2000 by a panel of judges composed of

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1 representatives from the Iowa Department of Education,  
2 the Iowa State Education Association, the School  
3 Administrators of Iowa, the Parent Teacher  
4 Association, the 1999 Iowa Teacher of the Year, the  
5 Meredith Corporation, and Drake University; and

6 WHEREAS, as Iowa's Teacher of the Year for 2000,  
7 Mr. Paulsen was granted a one-year sabbatical to visit  
8 schools and speak to community groups as Iowa's  
9 Ambassador for Education during the 2000-2001 school  
10 year; NOW THEREFORE,

11 BE IT RESOLVED BY THE SENATE, That the General  
12 Assembly honors Mr. Thomas H. Paulsen of Carroll High  
13 School for his exemplary work in education, applauds  
14 his efforts and achievements in bringing out the best  
15 in his students at Carroll High School and Kuemper  
16 Catholic High School, and congratulates him for his  
17 outstanding accomplishment in being named the Iowa  
18 Teacher of the Year for 2000.

19 BE IT FURTHER RESOLVED, That an official copy of  
20 this Resolution be prepared for presentation to Mr.  
21 Thomas H. Paulsen.

**SENATE RESOLUTION 2:** filed January 23, 2001; adopted by the Senate on January 31, 2001.

SENATE RESOLUTION 2

1 By: McKean  
 2 A Senate resolution honoring Grand Ole Opry singer  
 3 Wilma Lee Cooper.  
 4 WHEREAS, Wilma Lee Cooper has been a member of the  
 5 Grand Ole Opry since 1957 and is widely acclaimed as  
 6 the First Lady of Bluegrass; and  
 7 WHEREAS, Wilma Lee Cooper and her late husband,  
 8 Stoney Cooper, spent part of their early career in  
 9 Iowa and Nebraska, and have returned to perform in the  
 10 upper Midwest on many occasions, and continue to have  
 11 a wide following in the region; and  
 12 WHEREAS, Wilma Lee Cooper's career has spanned the  
 13 decades from her childhood in West Virginia in the  
 14 1930s, when she sang with her parents and sisters as  
 15 the Leary Family, through the next nearly 40 years of  
 16 singing with her husband, Stoney Cooper, and the  
 17 Clinch Mountain Clan, until Stoney's death in 1977,  
 18 and through more recent appearances on the Grand Ole  
 19 Opry stage with the reorganized Clinch Mountain Clan;  
 20 and  
 21 WHEREAS, the music of Wilma Lee Cooper has always  
 22 been traditional country music, with some of her best-  
 23 known songs being "Walking My Lord Up Calvary's Hill,"  
 24 "The Legend of the Dogwood Tree," "Come Walk With Me,"  
 25 "Big Midnight Special," "There's A Big Wheel," and "A  
 26 Daisy A Day"; and  
 27 WHEREAS, Wilma Lee Cooper has been recognized as  
 28 having made remarkable contributions to bluegrass  
 29 music, and has received awards and honors from many

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1 sources, including the International Bluegrass Music  
 2 Association, the Smithsonian Institution, the Country  
 3 Music Foundation, Harvard University, and the Country  
 4 Gospel Music Hall of Fame, and has been chosen to  
 5 record for the Library of Congress; and  
 6 WHEREAS, Wilma Lee Cooper will be inducted into the  
 7 Society for the Preservation of Bluegrass Music of  
 8 America's Preservation Hall of Greats on February 4,  
 9 2001, and will celebrate her 80th birthday on February  
 10 7, 2001; NOW THEREFORE,  
 11 BE IT RESOLVED BY THE SENATE, That the Senate  
 12 recognizes Wilma Lee Cooper for her achievements as a  
 13 vocal artist, recognizing not only her talent and  
 14 career accomplishments but also her contribution to

15 the rich country music heritage celebrated by Iowans  
16 and music enthusiasts around the world.

**SENATE RESOLUTION 3:** filed January 24, 2001; adopted by  
the Senate on January 31, 2001.

1 SENATE RESOLUTION 3

2 By: Committee on Ethics  
3 (SUCCESSOR TO SSB 1011)

4 A Senate resolution relating to the senate rules governing  
5 lobbyists and their interactions with the senate and  
6 members of the senate during the seventy-ninth  
7 general assembly.

8 BE IT RESOLVED BY THE SENATE, That the senate rules  
9 governing lobbyists for the ~~seventy-eighth~~ seventy-  
10 ninth general assembly shall be as follows:

11 SENATE RULES GOVERNING LOBBYISTS

12 1. DEFINITIONS. As used in these rules, "client",  
13 "gift", "honoraria" or "honorarium", "immediate family  
14 member" and "lobbyist" have the meaning provided in  
15 chapter 68B. As used in these rules the term  
16 "political action committee" means a committee, but  
17 not a candidate's committee, which accepts  
18 contributions, makes expenditures, or incurs  
19 indebtedness in the aggregate of more than five  
20 hundred dollars in any one calendar year ~~for the~~  
21 ~~purpose of supporting or opposing to expressly~~  
22 ~~advocate the nomination, election, or defeat of a~~  
23 ~~candidate for public office or to expressly advocate~~  
24 ~~the passage or defeat of a ballot issue or influencing~~  
25 legislative action, or an association, lodge, society,  
26 cooperative, union, fraternity, sorority, educational  
27 institution, civic organization, labor organization,  
28 religious organization, or professional or other  
29 organization which makes contributions in the  
30 aggregate of more than five hundred dollars in any one

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1 calendar year ~~for the purpose of supporting or~~  
2 ~~opposing to expressly advocate the nomination,~~  
3 ~~election, or defeat of a candidate for public office~~  
4 ~~or to expressly advocate the passage or defeat of a~~  
5 ~~ballot issue or influencing legislative action.~~

6 2. APPLICABILITY. These rules are only applicable  
7 to lobbying activities involving the Iowa general  
8 assembly.

9 3. REGISTRATION REQUIRED. All lobbyists shall, on  
10 or before the day their lobbying activity begins,  
11 register in the manner provided under section 68B.36  
12 by filing a completed lobbyist's registration form

13 with the person or person designated by the chief  
14 clerk of the house and the secretary of the senate to  
15 receive lobbyist registration statements. Lobbyist  
16 registration forms shall be available in the office of  
17 the chief clerk of the house and the secretary of the  
18 senate. In addition, the lobbyist shall file with the  
19 secretary of the senate a statement of the general  
20 subjects of legislation in which the lobbyist is or  
21 may be interested, the numbers of the bills and  
22 resolutions and the bill number of study bills (if  
23 known) which will be lobbied, whether the lobbyist  
24 intends to lobby for or against each bill, resolution,  
25 or study bill (if known), and on whose behalf the  
26 lobbyist is lobbying the bill, resolution, or study  
27 bill.  
28 Any change in or addition to the foregoing  
29 information shall be registered with the person or  
30 persons designated by the chief clerk of the house and

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1 the secretary of the senate to receive lobbyist  
2 registration statements within ten days after the  
3 change or addition is known to the lobbyist.  
4 Registration expires upon the commencement of the  
5 next regular session of the general assembly, except  
6 that the secretary of the senate may adopt and  
7 implement a reasonable pre-registration procedure in  
8 advance of each regular session during which persons  
9 may register for that session and the following  
10 legislative interim.

11 4. CANCELLATION OF REGISTRATION. If a lobbyist's  
12 service on behalf of a particular employer, client, or  
13 cause is concluded prior to the end of the calendar  
14 year, the lobbyist may cancel the registration on  
15 appropriate forms supplied by the secretary of the  
16 senate. Upon cancellation of registration, a lobbyist  
17 is prohibited from engaging in any lobbying activity  
18 on behalf of that particular employer, client, or  
19 cause until reregistering and complying with these  
20 rules. A lobbyist's registration is valid for only  
21 one session of a general assembly.

22 5. AMENDMENT OF REGISTRATION. If a registered  
23 lobbyist represents more than one employer, client, or  
24 cause and the lobbyist's services are concluded on  
25 behalf of a particular employer, client, or cause  
26 after the lobbyist registers but before the first day  
27 of the next legislative session, the lobbyist shall  
28 file an amendment to the lobbyist's registration  
29 indicating which employer, client, or cause is no  
30 longer represented by the lobbyist and the date upon

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1 which the representation concluded.  
2 If a lobbyist is retained by one or more additional  
3 employers, clients, or causes after the lobbyist  
4 registers but before the first day of the next  
5 legislative session, the lobbyist shall file an  
6 amendment to the lobbyist's registration indicating  
7 the employer, client, or cause to be added and the  
8 date upon which the representation begins.  
9 Amendments to a lobbyist's registration regarding  
10 changes which occur during the time that the general  
11 assembly is in session shall be filed within one  
12 working day after the date upon which the change in  
13 the lobbyist's representation becomes effective.

14 6. PUBLIC ACCESS. All information filed by a  
15 lobbyist or a client of a lobbyist under chapter 68B  
16 of the Code is a public record and open to public  
17 inspection at any reasonable time.

18 7. LOBBYIST AND CLIENT REPORTING. Each lobbyist  
19 registered with the senate and each lobbyist's client  
20 shall file the reports required under sections 68B.37  
21 and 68B.38 with the secretary of the senate.

22 For purposes of this rule, and the reports required  
23 under sections 68B.37 and 68B.38, "services enumerated  
24 under section 68B.2, subsection 13, paragraph "a" and  
25 "lobbying purposes" include, but are not limited to,  
26 the following:

27 a. Time spent by the lobbyist at the state capitol  
28 building commencing with the first day of a  
29 legislative session and ending with the day of final  
30 adjournment of each legislative session as indicated

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1 by the journals of the house and senate.

2 b. Time spent by the lobbyist attending meetings  
3 or hearings which results in the lobbyist  
4 communicating with members of the general assembly or  
5 legislative employees about current or proposed  
6 legislation.

7 c. Time spent by the lobbyist researching and  
8 drafting proposed legislation with the intent to  
9 submit the legislation to a member of the general  
10 assembly or a legislative employee.

11 d. Time spent by the lobbyist actually  
12 communicating with members of the general assembly and  
13 legislative employees about current or proposed  
14 legislation.

15 8. GOVERNMENT OFFICIALS. All federal, state, and  
16 local officials or employees representing their  
17 departments, commissions, boards, or agencies shall

18 present to the secretary of the senate a letter of  
 19 authorization from their department or agency heads  
 20 prior to the commencement of their lobbying. The  
 21 lobbyist registration statement of these officials and  
 22 employees shall not be deemed complete until the  
 23 letter of authorization is attached. Federal, state,  
 24 and local officials who wish to lobby in opposition to  
 25 their departments, commissions, boards, or agencies  
 26 must indicate such on their lobbyist registration  
 27 statements.

28 9. CHARGE ACCOUNTS AND LOANS. Lobbyists and the  
 29 organizations they represent shall not allow any  
 30 senators to charge any amounts or items to any charge

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1 account to be paid for by those lobbyists or by the  
 2 organizations they represent. A lobbyist shall not  
 3 make a loan to a senator unless the loan is made in  
 4 the ordinary course of business, the lobbyist is in  
 5 the business of making loans, and the terms and  
 6 conditions of the loan are the same or substantially  
 7 similar to the finance charges and loan terms that are  
 8 available to members of the general public.

9 10. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist,  
 10 an employer of a lobbyist, or a political action  
 11 committee shall not offer economic or investment  
 12 opportunity or promise of employment to any senator  
 13 with intent to influence the senator's conduct in the  
 14 performance of official duties.

15 A lobbyist shall not take action intended to  
 16 negatively affect the economic interests of a senator.

17 For purposes of this rule, supporting or opposing a  
 18 candidate for office or supporting or opposing a bill,  
 19 amendment, or resolution shall not be considered to be  
 20 action intended to negatively affect the economic  
 21 interests of a senator.

22 11. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or  
 23 employer of a lobbyist, shall not pay for membership  
 24 in or contributions to clubs or organizations on  
 25 behalf of a senator.

26 12. ACCESS TO SENATE FLOOR. Lobbyists shall not  
 27 be permitted on the floor of the senate while the  
 28 senate is in session. Elected state officials, except  
 29 the governor, lieutenant governor, and the members of  
 30 the house of representatives, shall not be permitted

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1 on the floor of the senate while the senate is in  
 2 session to encourage the passage, defeat, or  
 3 modification of legislation.

4 13. EFFECTIVE PERIOD. These rules governing  
 5 lobbyists shall be in effect throughout the calendar  
 6 year, whether or not the general assembly is in  
 7 session.

8 14. GIFTS. A lobbyist or the client of a lobbyist  
 9 shall not, directly or indirectly, offer or make a  
 10 gift or a series of gifts to a senator, except as  
 11 otherwise provided in section 68B.22.

12 15. HONORARIA. A lobbyist or client of a lobbyist  
 13 shall not give an honorarium to a member or employee  
 14 of the senate, except as otherwise provided in section  
 15 68B.23.

16 16. COMPLAINTS. Rules 15 through 23 of the senate  
 17 code of ethics apply to complaints and procedures  
 18 regarding violations of these rules.

**SENATE RESOLUTION 4:** filed January 25, 2001; adopted by  
 the Senate on February 6, 2001.

1 SENATE RESOLUTION 4

2 By: Committee on Ethics  
 3 (SUCCESSOR TO SSB 1010)

4 A Senate resolution relating to the Senate Code of Ethics  
 5 governing the conduct of members of the Senate in  
 6 relation to their senatorial duties during the  
 7 Seventy-ninth General Assembly.

8 BE IT RESOLVED BY THE SENATE, That the Senate Code  
 9 of Ethics for the ~~Seventy-eighth~~ Seventy-ninth General  
 10 Assembly shall be amended to read as follows:

11 SENATE CODE OF ETHICS

12 PREAMBLE. Every legislator owes a duty to uphold  
 13 the integrity and honor of the general assembly, to  
 14 encourage respect for the law and for the general  
 15 assembly and the members thereof, and to observe the  
 16 legislative code of ethics.

17 In doing so, members of the senate have a duty to  
 18 conduct themselves so as to reflect credit on the  
 19 general assembly, and to inspire the confidence,  
 20 respect, and trust of the public, and to strive to  
 21 avoid both unethical and illegal conduct and the  
 22 appearance of unethical and illegal conduct.

23 Recognizing that service in the Iowa general  
 24 assembly is a part-time endeavor and that members of  
 25 the general assembly are honorable individuals who are  
 26 active in the affairs of their localities and  
 27 elsewhere and that it is necessary that they maintain  
 28 a livelihood and source of income apart from their  
 29 legislative compensation, the following rules are  
 30 adopted pursuant to section 68B.31, to assist the

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- 1 members in the conduct of their legislative affairs.  
2 1. ECONOMIC INTEREST OF SENATOR. Taking into  
3 account that legislative service is part-time, a  
4 senator shall not accept economic or investment  
5 opportunity, under circumstances where the senator  
6 knows, or should know, that there is a reasonable  
7 possibility that the opportunity is being afforded the  
8 senator with intent to influence the senator's conduct  
9 in the performance of official duties.  
10 2. DIVESTITURE. Where a senator learns that an  
11 economic or investment opportunity previously accepted  
12 was offered with the intent of influencing the  
13 senator's conduct in the performance of official  
14 duties, the senator shall take steps to divest that  
15 senator of that investment or economic opportunity,  
16 and shall report the facts of the situation to the  
17 senate ethics committee.  
18 3. CHARGES FOR SERVICES. A senator shall not  
19 charge to or accept from a person, corporation,  
20 partnership, or association known to have a  
21 legislative interest a price, fee, compensation, or  
22 other consideration for the sale or lease of any  
23 property or the furnishing of services which is in  
24 excess of that which the senator would charge another.  
25 4. USE OF CONFIDENTIAL INFORMATION. A senator in  
26 order to further the senator's own economic or other  
27 interests, or those of any other person, shall not  
28 disclose or use confidential information acquired in  
29 the course of official duties.  
30 5. HONORARIA. A senator shall not accept an

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- 1 honorarium from a restricted donor for a speech,  
2 writing for publication, or other similar activity,  
3 except as otherwise provided in section 68B.23.  
4 6. EMPLOYMENT. A senator shall not accept  
5 employment, either directly or indirectly, from a  
6 political action committee. A senator may accept  
7 employment from a political party, but shall disclose  
8 the employment relationship in writing to the  
9 secretary of the senate within ten days after the  
10 beginning of each legislative session. If a senator  
11 accepts employment from a political party during a  
12 legislative session, the senator shall disclose the  
13 employment relationship within ten days after  
14 acceptance of the employment.  
15 For the purpose of this rule, a political action  
16 committee means a committee, but not a candidate's  
17 committee, which accepts contributions, makes

18 expenditures, or incurs indebtedness in the aggregate  
 19 of more than five hundred dollars in any one calendar  
 20 year ~~for the purpose of supporting or opposing to~~  
 21 expressly advocate the nomination, election, or defeat  
 22 of a candidate for public office or to expressly  
 23 advocate the passage or defeat of a ballot issue or  
 24 influencing legislative action, or an association,  
 25 lodge, society, cooperative, union, fraternity,  
 26 sorority, educational institution, civic organization,  
 27 labor organization, religious organization, or  
 28 professional organization which makes contributions in  
 29 the aggregate of more than five hundred dollars in any  
 30 one calendar year ~~for the purpose of supporting or~~

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1 ~~opposing to expressly advocate the nomination,~~  
 2 ~~election, or defeat of a candidate for public office~~  
 3 ~~or ballot issue or influencing legislative action.~~  
 4 7. ECONOMIC INTERESTS OF LOBBYIST. With the  
 5 exception of exercising unfettered discretion in  
 6 supporting or refusing to support proposed  
 7 legislation, a senator shall not take action intended  
 8 to affect the economic interests of a lobbyist or  
 9 citizen supporting or opposing proposed legislation.  
 10 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A  
 11 senator may appear before a governmental agency or  
 12 board in any representation case, except that the  
 13 senator shall not act as a lobbyist. Whenever a  
 14 senator appears before a governmental agency or board,  
 15 the senator shall carefully avoid all conduct which  
 16 might in any way lead members of the general public to  
 17 conclude that the senator is using the senator's  
 18 official position to further the senator's  
 19 professional success or personal financial interest.  
 20 9. CONFLICTS OF INTERESTS. In order to permit the  
 21 general assembly to function effectively, a senator  
 22 will sometimes be required to vote on bills and  
 23 participate in committee work which will affect the  
 24 senator's employment and other monetary interests. In  
 25 making a decision relative to the senator's activity  
 26 on given bills or committee work which are subject to  
 27 the code, the following factors shall be considered:  
 28 a. Whether a substantial threat to the senator's  
 29 independence of judgment has been created by the  
 30 conflict situation.

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- 1 b. The effect of the senator's participation on
- 2 public confidence in the integrity of the legislature.
- 3 c. The need for the senator's particular

4 contribution, such as special knowledge of the subject  
5 matter, to the effective functioning of the  
6 legislature.

7 A senator with a conflict of interest may  
8 participate in floor debate if prior to debate the  
9 senator indicates the conflict of interest.

10 10. GIFTS. Except as otherwise provided in  
11 section 68B.22, a senator, or that person's immediate  
12 family member, shall not, directly or indirectly,  
13 accept or receive any gift or series of gifts from a  
14 restricted donor.

15 11. DISCLOSURE REQUIRED. Each senator shall file  
16 with the secretary of the senate within ten days after  
17 the adoption of the code of ethics by the senate, and  
18 within ten days after the convening of the second  
19 session of the general assembly, a statement under  
20 section 68B.35 on forms provided by the secretary of  
21 the senate setting forth the following information:

22 The nature of each business in which the senator is  
23 engaged and the nature of the business of each company  
24 in which the senator has a financial interest. A  
25 senator shall not be required to file a report or be  
26 assumed to have a financial interest if the annual  
27 income derived from the investment in stocks, bonds,  
28 bills, notes, mortgages, or other securities offered  
29 for sale through recognized financial brokers is less  
30 than one thousand dollars.

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1 Disclosures required under this rule shall be as of  
2 the date filed unless provided to the contrary, and  
3 shall be amended to include interests and changes  
4 encompassed by this rule that occur while the general  
5 assembly is in session. All filings under this rule  
6 shall be open to public inspection in the office of  
7 the secretary of the senate at all reasonable times.

8 The secretary of the senate shall inform the ethics  
9 committee of the statements which are filed and shall  
10 report to the ethics committee the names of any  
11 senators who appear not to have filed complete  
12 statements. The chairperson of the ethics committee  
13 shall request in writing that a senator who has failed  
14 to complete the report or appears to have filed an  
15 incomplete report do so within five days, and, upon  
16 the failure of the senator to comply, the ethics  
17 committee shall require the senator to appear before  
18 the committee.

19 12. STATUTORY VIOLATIONS. Members of the general  
20 assembly are urged to familiarize themselves with  
21 chapters 68B, 721, and 722.

22 13. CHARGE ACCOUNTS. Senators shall not charge

23 any amount or item to any charge account to be paid  
24 for by any lobbyist or any client the lobbyist  
25 represents.  
26 14. TRAVEL EXPENSES. A senator shall not charge  
27 to the state of Iowa amounts for travel and expenses  
28 unless the senator actually has incurred those mileage  
29 and expense costs. Senators shall not file the  
30 vouchers for weekly mileage reimbursement required by

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1 section 2.10, subsection 1, unless the travel was  
2 actually incurred at commensurate expense to the  
3 senator.  
4 15. COMPLAINTS. Complaints or charges against any  
5 senator or any lobbyist shall be in writing, made  
6 under oath, and filed with the secretary of the senate  
7 or the chairperson of the ethics committee. If filed  
8 with the secretary of the senate, the secretary shall  
9 immediately advise the chairperson of the ethics  
10 committee of the receipt of the complaint.  
11 Complaint forms shall be available from the  
12 secretary of the senate, or the chairperson of the  
13 ethics committee, but a complaint shall not be  
14 rejected for failure to use an approved form if the  
15 complaint substantially complies with senate  
16 requirements.  
17 A complainant may submit exhibits and affidavits  
18 attached to the complaint.  
19 16. FILING OF COMPLAINTS.  
20 a. Persons entitled. Complaints may be filed by  
21 any person believing that a senator or lobbyist has  
22 violated the senate ethics code, the senate rules  
23 governing lobbyists, or chapter 68B of the Iowa Code.  
24 A violation of the criminal law may be considered to  
25 be a violation of this code of ethics if the violation  
26 constitutes a serious misdemeanor or greater, or a  
27 repetitive and flagrant violation of the law.  
28 b. Committee complaint. The ethics committee may,  
29 upon its own motion, initiate a complaint,  
30 investigation, or disciplinary action.

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1 c. Timeliness of filing. A complaint will be  
2 considered to be timely filed if it is filed within  
3 three years of the occurrence of the alleged violation  
4 of the ethics code.  
5 17. PERMANENT RECORD. The secretary of the senate  
6 shall maintain a permanent record of all complaints  
7 filed, evidence received by the committee, and any  
8 transcripts or other recordings made of committee

9 proceedings, including a separate card file containing  
10 the date filed, name and address of the complainant,  
11 name and address of the respondent, a brief statement  
12 of the charges made, and ultimate disposition of the  
13 complaint. The secretary shall keep each such  
14 complaint confidential until public disclosure is made  
15 by the ethics committee.

16 18. PREHEARING PROCEDURE.

17 a. Defective complaint. Upon receipt of a  
18 complaint, the chairperson and ranking member of the  
19 ethics committee shall determine whether the complaint  
20 substantially complies with the requirements of this  
21 code of ethics and section 68B.31, subsection 6. If  
22 the complaint does not substantially comply with the  
23 requirements for formal sufficiency under the code of  
24 ethics, the complaint may be returned to the  
25 complainant with a statement that the complaint is not  
26 in compliance with the code and a copy of the code.  
27 If the complainant fails to amend the complaint to  
28 comply with the code within a reasonable time, the  
29 chair and ranking member may dismiss the complaint  
30 with prejudice for failure to prosecute.

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1 b. Service of complaint on respondent. Upon  
2 receipt of any complaint substantially complying with  
3 the requirements of this code of ethics, the  
4 chairperson of the ethics committee shall cause a copy  
5 of the complaint and any supporting information to be  
6 delivered promptly to the respondent, requesting a  
7 written response to be filed within ten days. The  
8 response may do any of the following:

- 9 (1) Admit or deny the allegation or allegations.
- 10 (2) Object that the allegation fails to allege a  
11 violation of chapter 68B or the code of ethics.
- 12 (3) Object to the jurisdiction of the committee.
- 13 (4) Request a more specific statement of the  
14 allegation or allegations.

15 c. Objection to member. In addition to the items  
16 which may be included in a response pursuant to  
17 paragraph "b", the response may also include an  
18 objection to the participation of any member of the  
19 committee in the consideration of the allegation or  
20 allegations on the grounds that the member cannot  
21 render an impartial and unbiased decision.

22 d. Extension of time. At the request of the  
23 respondent and upon a showing of good cause, the  
24 committee, or the chairperson and ranking member, may  
25 extend the time for response, not to exceed ten  
26 additional days.

27 e. Confidentiality. If a complaint is not

28 otherwise made public, the members of the committee  
29 shall treat the complaint and all supporting  
30 information as confidential until the written response

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1 is received from the respondent.  
2 f. Communications with ethics committee. After a  
3 complaint has been filed or an investigation has been  
4 initiated, a party to the complaint or investigation  
5 shall not communicate, or cause another to  
6 communicate, as to the merits of the complaint or  
7 investigation with a member of the committee, except  
8 under the following circumstances:  
9 (1) During the course of any meetings or other  
10 official proceedings of the committee regarding the  
11 complaint or investigation.  
12 (2) In writing, if a copy of the writing is  
13 delivered to the adverse party or the designated  
14 representative for the adverse party.  
15 (3) Orally, if adequate prior notice of the  
16 communication is given to the adverse party or the  
17 designated representative for the adverse party.  
18 (4) As otherwise authorized by statute, the senate  
19 code of ethics, the senate rules governing lobbyists,  
20 or vote of the committee.  
21 g. Scheduling hearing. Upon receipt of the  
22 response, the committee shall schedule a public  
23 meeting to review the complaint and available  
24 information, and shall:  
25 (1) Notify the complainant that no further action  
26 will be taken, unless further substantiating  
27 information is produced, or  
28 (2) Dismiss the complaint for failure to meet the  
29 statutory and code of ethics requirements for valid  
30 complaints, or

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1 (3) Request that the chief justice of the supreme  
2 court appoint an independent special counsel to  
3 conduct an investigation of the complaint and  
4 supporting information, to make a determination of  
5 probable cause, and to report the findings to the  
6 committee, which shall be received within a reasonable  
7 time.  
8 h. Public hearing. If independent special counsel  
9 is appointed, upon receipt of the report of  
10 independent special counsel's findings, the committee  
11 shall schedule a public meeting to review the report  
12 and shall do either of the following:  
13 (1) Cause the complaint to be scheduled for a

14 public hearing.

15 (2) Dismiss the complaint based upon a  
16 determination by independent special counsel and the  
17 committee that insufficient evidence exists to support  
18 a finding of probable cause.

19 19. HEARING PROCEDURE.

20 a. Notice of hearing. If the committee causes a  
21 complaint to be scheduled for a public hearing, notice  
22 of the hearing date and time shall be given to the  
23 complainant and respondent in writing, and of the  
24 respondent's right to appear in person, be represented  
25 by legal counsel, present statements and evidence, and  
26 examine and cross-examine witnesses. The committee  
27 shall not be bound by formal rules of evidence, but  
28 shall receive relevant evidence, subject to  
29 limitations on repetitiveness. Any evidence taken  
30 shall be under oath.

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1 b. Subpoena power. The committee may require, by  
2 subpoena or otherwise, the attendance and testimony of  
3 witnesses and the production of such books, records,  
4 correspondence, memoranda, papers, documents, and any  
5 other things it deems necessary to the conduct of the  
6 inquiry.

7 c. Ex post facto. An investigation shall not be  
8 undertaken by the committee of a violation of a law,  
9 rule, or standard of conduct that is not in effect at  
10 the time of violation.

11 d. Disqualification of member. Members of the  
12 committee may disqualify themselves from participating  
13 in any investigation of the conduct of another person  
14 upon submission of a written statement that the member  
15 cannot render an impartial and unbiased decision in a  
16 case. A member may also be disqualified by a  
17 unanimous vote of the remaining eligible members of  
18 the committee.

19 A member of the committee is ineligible to  
20 participate in committee meetings, as a member of the  
21 committee, in any proceeding relating to the member's  
22 own official conduct.

23 If a member of the committee is disqualified or  
24 ineligible to act, the majority or minority leader who  
25 appointed the member shall appoint a replacement  
26 member to serve as a member of the committee during  
27 the period of disqualification or ineligibility.

28 e. Hearing. At the hearing, the chairperson shall  
29 open the hearing by stating the charges, the purpose  
30 of the hearing, and its scope. The burden of proof

Page 13

1 rests upon the complainant to establish the facts as  
2 alleged, by clear and convincing evidence. However,  
3 questioning of witnesses shall be conducted by the  
4 members of the committee, by independent special  
5 counsel, or by a senator. The chairperson shall also  
6 permit questioning by legal counsel representing the  
7 complainant or respondent.

8 The chairperson or other member of the committee  
9 presiding at a hearing shall rule upon procedural  
10 questions or any question of admissibility of evidence  
11 presented to the committee. Rulings may be reversed  
12 by a majority vote of the committee members present.

13 The committee may continue the hearing to a future  
14 date if necessary for appropriate reasons or purposes.

15 f. Committee action. Upon receipt of all relevant  
16 evidence and arguments, the committee shall consider  
17 the same and recommend to the senate:

18 (1) That the complaint be dismissed, or

19 (2) That the senator or lobbyist be censured or  
20 reprimanded, and recommend the appropriate form of  
21 censure or reprimand, or

22 (3) Any other appropriate sanction, including  
23 suspension or expulsion from membership in the senate,  
24 or suspension of lobbying privileges.

25 g. Disposition resolution. By appropriate  
26 resolution, the senate may amend, adopt, or reject the  
27 report of the ethics committee, including the  
28 committee's recommendations regarding disciplinary  
29 action.

30 20. COMMITTEE AUTHORIZED TO MEET. The senate

Page 14

1 ethics committee is authorized to meet at the  
2 discretion of the chairperson to conduct hearings and  
3 other business that properly may come before it. If  
4 the committee submits a report seeking senate action  
5 against a senator or lobbyist after the second regular  
6 session of a general assembly has adjourned sine die,  
7 the report shall be submitted to and considered by the  
8 subsequent general assembly. However, the report may  
9 be submitted to and considered during any special  
10 session which may take place after the second regular  
11 session of a general assembly has adjourned sine die,  
12 but before the convening of the next general assembly.

13 20A. ADVISORY OPINIONS.

14 a. Requests for formal opinions. A request for a  
15 formal advisory opinion may be filed by any person who  
16 is subject to the authority of the ethics committee.

17 The ethics committee may also issue a formal advisory

18 opinion on its own motion, without having previously  
 19 received a formal request for an opinion, on any issue  
 20 that is within the jurisdiction of the committee.  
 21 Requests shall be filed with either the secretary of  
 22 the senate or the chairperson of the ethics committee.  
 23 b. Form and contents of requests. A request for a  
 24 formal advisory opinion shall be in writing and may  
 25 pertain to any subject matter that is related to the  
 26 application of the senate code of ethics, the senate  
 27 rules governing lobbyists, or chapter 68B of the Code  
 28 to any person who is subject to the authority of the  
 29 ethics committee. Requests shall contain one or more  
 30 specific questions and shall relate either to future

Page 15

1 conduct or be stated in the hypothetical. A request  
 2 for an advisory opinion shall not specifically name  
 3 any individual or contain any other specific  
 4 identifying information, unless the request relates to  
 5 the requester's own conduct. However, any request may  
 6 contain information which identifies the kind of  
 7 individual who may be affected by the subject matter  
 8 of the request. Examples of this latter kind of  
 9 identifying information may include references to  
 10 conduct of a category of individuals, such as but not  
 11 limited to conduct of legislators, legislative staff,  
 12 or lobbyists.  
 13 c. Confidentiality of formal requests and  
 14 opinions. Requests for formal opinions are not  
 15 confidential and any deliberations of the committee  
 16 regarding a request for a formal opinion shall be  
 17 public. Opinions issued in response to requests for  
 18 formal opinions are not confidential, shall be in  
 19 writing, and shall be placed on file in the office of  
 20 the secretary of the senate. Persons requesting  
 21 formal opinions shall personally receive a copy of the  
 22 written formal opinion that is issued in response to  
 23 the request.  
 24 20B. CALCULATION OF TIME -- DAYS. For purposes of  
 25 these rules, unless the context otherwise requires,  
 26 the word "day" or "days" shall mean a calendar day  
 27 except that if the day is the last day of a specific  
 28 time period and falls upon a Saturday, Sunday, or  
 29 legal holiday, the time prescribed shall be extended  
 30 so as to include the whole of the next day in which

Page 16

1 the offices of the senate and the general assembly are  
 2 open for official business.  
 3 21. COMPLAINT FILING FORM. The following form

4 shall be used to file a complaint under these rules:

5 THE SENATE

6 Ethics Complaint Form

7 Re: \_\_\_\_\_ (Senator/Lobbyist),  
8 of \_\_\_\_\_, Iowa.

9 I, \_\_\_\_\_ (Complainant), residing  
10 at \_\_\_\_\_, in the City of \_\_\_\_\_,

11 State of \_\_\_\_\_, hereby complain that  
12 \_\_\_\_\_ (Senator/Lobbyist), whose

13 address is \_\_\_\_\_,

14 has violated the Senate Code of Ethics or Senate

15 Rules Governing Lobbyists in that:

16 (Explain the basis for the complaint here. Use addi-  
17 tional pages, if necessary.)

18 Under penalty of perjury, I certify that the above  
19 complaint is true and correct as I verily believe.

20 \_\_\_\_\_

21 Signature of Complainant

22 SUBSCRIBED AND AFFIRMED to before me this \_\_\_\_\_

23 day of \_\_\_\_\_, \_\_\_\_\_.

24 \_\_\_\_\_

25 Notary Public in and for the

26 State of \_\_\_\_\_

27 22. COMPLAINT NOTICE FORM. The following form

28 shall be used for notice of a complaint under these

29 rules:

30 STATE OF IOWA

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1 THE SENATE

2 COMMITTEE ON ETHICS )

3 IOWA STATE SENATE )

4 )

5 On The Complaint Of ) NOTICE OF COMPLAINT

6 )

7 \_\_\_\_\_ )

8 )

9 And Involving )

10 )

11 \_\_\_\_\_ )

12 )

13 TO \_\_\_\_\_,

14 Senator or Lobbyist named above:

15 You are hereby notified that there is now on file  
16 with the Secretary of the Senate, State Capitol, Des  
17 Moines, Iowa, a complaint which alleges that you have  
18 committed a violation of the Senate's Code of Ethics  
19 or Senate Rules Governing Lobbyists.

20 A copy of the complaint and the Senate rules for  
21 processing the same are attached hereto and made a  
22 part of this notice.

23 You are further notified and requested to file your  
 24 written answer to the complaint within ten days of the  
 25 date upon which the notice was caused to be delivered  
 26 to you, (date) \_\_\_\_\_, \_\_\_\_\_. Your  
 27 answer is to be filed with the Secretary of the Senate,  
 28 State Capitol, Des Moines, Iowa.  
 29 Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
 30 \_\_\_\_\_

Page 18

1 Chair, Senate Ethics Committee,  
 2 or Secretary of the Senate  
 3 23. HEARING NOTICE FORM. The following form shall  
 4 be used for notice of a hearing under these rules:  
 5 STATE OF IOWA  
 6 THE SENATE  
 7 COMMITTEE ON ETHICS )  
 8 IOWA STATE SENATE )  
 9 )  
 10 On The Complaint Of ) NOTICE OF HEARING  
 11 )  
 12 \_\_\_\_\_ )  
 13 )  
 14 And Involving )  
 15 )  
 16 \_\_\_\_\_ )  
 17 )  
 18 TO \_\_\_\_\_,  
 19 Senator or Lobbyist named above:  
 20 You are hereby notified that there is now on file  
 21 with the Secretary of the Senate, State Capitol, Des  
 22 Moines, Iowa, a complaint which alleges that you have  
 23 committed a violation of the Senate's Code of Ethics  
 24 or Senate Rules Governing Lobbyists.  
 25 A copy of the complaint and the Senate rules for  
 26 processing the same are attached hereto and made a  
 27 part of this notice.  
 28 You are further notified that, after preliminary  
 29 review, the committee has caused a public hearing to  
 30 be scheduled on (date)\_\_\_\_\_.

Page 19

1 \_\_\_\_\_, at (hour) \_\_\_\_\_ (a.m.) (p.m.),  
 2 in Room \_\_\_\_\_, State Capitol, Des Moines, Iowa.  
 3 At the hearing, you will have the right to appear  
 4 in person, be represented by legal counsel at your own  
 5 expense, present statements and evidence, and examine  
 6 and cross-examine witnesses. The committee shall not  
 7 be bound by formal rules of evidence, but shall  
 8 receive relevant evidence, subject to limitations on

9 repetitiveness. Any evidence taken shall be under  
10 oath.

11 The committee may continue the hearing to a future  
12 date if necessary for appropriate reasons or purposes.

13 You are further notified that the committee will  
14 receive such evidence and take such action as  
15 warranted by the evidence.

16 Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

17 \_\_\_\_\_  
18 Chair, Senate Ethics Committee,  
19 or Secretary of the Senate

20 24. PERSONAL FINANCIAL DISCLOSURE FORM. The  
21 following form shall be used for disclosure of  
22 economic interests under these rules and section  
23 68B.35:

24 STATEMENT OF ECONOMIC INTERESTS

25 Name: \_\_\_\_\_  
 26 (Last) (First) (Middle Initial)  
 27 Address: \_\_\_\_\_  
 28 (Street Address, Apt.# - P.O. Box)  
 29 \_\_\_\_\_  
 30 (City) (State) (Zip)

Page 20

1 Phone: (Home) \_\_\_\_-\_\_\_\_-\_\_\_\_ (Business) \_\_\_\_-\_\_\_\_-\_\_\_\_  
2 \*\*\*\*\*

3 a. Please list each business, occupation, or  
4 profession in which you are engaged. In listing the  
5 business, occupation, or profession, it is not  
6 necessary that your employer or the name of the  
7 business be listed, although all businesses,  
8 occupations, or professions must be listed, regardless  
9 of the amount of income derived or time spent  
10 participating in the activity. (Examples of types of  
11 businesses, occupations, or professions that may be  
12 listed: teacher, lawyer, legislator, real estate  
13 agent, insurance adjuster, salesperson....)

- 14 (1) \_\_\_\_\_
- 15 (2) \_\_\_\_\_
- 16 (3) \_\_\_\_\_
- 17 (4) \_\_\_\_\_
- 18 (5) \_\_\_\_\_

19 b. Please list the nature of each of the  
20 businesses, occupations, or professions which you  
21 listed in paragraph "a", above, unless the nature of  
22 the business, occupation, or profession is already  
23 apparent from the information indicated above. The  
24 descriptions in this paragraph should correspond by  
25 number to the numbers for each of the businesses,  
26 occupations, or professions listed in paragraph "a".  
27 (Examples: If you indicated, for example, that you

28 were a salesperson in subparagraph (1) of paragraph  
29 "a", you should list in subparagraph (1) of this  
30 paragraph the types of goods or services sold in this

Page 21

1 item. If you indicated that you were a teacher in  
2 subparagraph (2) of paragraph "a", you should indicate  
3 in subparagraph (2) of this paragraph the type of  
4 school or institution in which you provide instruction  
5 or whether the instruction is provided on a private  
6 basis. If you indicated that you were a lawyer in  
7 subparagraph (3) of paragraph "a", you should indicate  
8 your areas of practice and whether you are in private,  
9 corporate, or government practice in subparagraph (3)  
10 of this paragraph. If you indicated in subparagraph  
11 (4) of paragraph "a" that you were a consultant, in  
12 subparagraph (4) of this paragraph you should indicate  
13 the kind of services provided and types of clients  
14 served.)

- 15 (1) \_\_\_\_\_
- 16 (2) \_\_\_\_\_
- 17 (3) \_\_\_\_\_
- 18 (4) \_\_\_\_\_
- 19 (5) \_\_\_\_\_

20 c. Please list each source, by general  
21 description, from which you receive, or which  
22 generates, more than one thousand dollars in gross  
23 annual income in the categories listed below. For  
24 purposes of this item, a source produces gross annual  
25 income if the revenue produced by the source is  
26 subject to federal or state income taxes. In  
27 completing this item, it is not necessary to list the  
28 name of the company, business, financial institution,  
29 corporation, partnership, or other entity which  
30 constitutes the source of the income and the amount or

Page 22

1 value of the holding should not be listed.  
2 (1) Securities (Here for example, you need not  
3 state that you own X number of shares of any specific  
4 company by brand or corporate name, or that the stock  
5 is of a certain value, but may instead state that you  
6 possess stock in a company and indicate the nature of  
7 the company's business.):

- 8 \_\_\_\_\_
- 9 \_\_\_\_\_
- 10 \_\_\_\_\_
- 11 \_\_\_\_\_
- 12 \_\_\_\_\_

13 (2) Instruments of Financial Institutions (You

14 need not indicate, for example, in which institutions  
15 you hold certificates of deposit that produce annual  
16 income over the one thousand dollar threshold, but  
17 simply listing the nature of the institution will  
18 suffice, e.g., bank, credit union, or savings and loan  
19 association.):

20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_

25 (3) Trusts (The name of the particular trust need  
26 not be listed. However, if the income is received  
27 from a charitable trust/foundation, such as the Pugh  
28 Charitable Trust, in the form of a grant, the fact  
29 that the trust is a charitable trust should be noted  
30 here.):

Page 23

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

6 (4) Real Estate (When listing real estate, it is  
7 not necessary to list the location of the property,  
8 but the general nature of the real estate interest  
9 should be indicated, e.g. residential leasehold  
10 interest or farm leasehold interest.):

11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_

16 (5) Retirement Systems (When listing retirement  
17 benefits, it is not necessary to list the name of the  
18 particular pension system or company, but rather the  
19 type of benefit should be listed, e.g., health  
20 benefits, life insurance benefits, private pension, or  
21 government pension.):

22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_

27 (6) Other Income Categories Specified in State or  
28 Federal Income Tax Regulations (List description of  
29 other sources of income producing over one thousand  
30 dollars in annual income not previously reported

Page 24

1 above, but which must be reported for income tax  
 2 purposes.):  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_  
 9 \_\_\_\_\_  
 10 (Signature of filer) (Date)

**SENATE RESOLUTION 6:** filed January 30, 2001; adopted by the Senate on February 6, 2001.

1 SENATE RESOLUTION 6  
 2 By: Committee on Rules and Administration  
 3 A Senate resolution relating to permanent rules of the  
 4 senate for the seventy-ninth general assembly.  
 5 BE IT RESOLVED BY THE SENATE, That the permanent  
 6 rules of the senate for the ~~seventy-eighth~~ seventy-  
 7 ninth general assembly be as follows:

8 RULES OF THE SENATE

9 Rule 1

10 Quorum

11 A constitutional majority shall constitute a quorum  
 12 of the senate. Any senator may insist a quorum be  
 13 present.

14 Rule 2

15 Adoption and Amendment of Rules

16 Whenever the senate is operating under temporary  
 17 rules, the rules may be amended or repealed, or  
 18 permanent rules may be adopted, by a constitutional  
 19 majority of the senators. After adoption of permanent  
 20 rules of the senate during any general assembly, the  
 21 rules may be amended or repealed by a constitutional  
 22 majority of the senators voting on a simple  
 23 resolution.

24 Rule 3

25 Rules of Parliamentary Procedure

26 In cases not covered by senate rules or joint  
 27 rules, Mason's Manual of Legislative Procedure shall  
 28 govern.

29 Rule 4

30 Sessions of the General Assembly

Page 2

1 The election of officers, organization, hiring and  
 2 compensation of employees, and committees of the

3 senate shall carry over from the first to the second  
 4 regular sessions and to any extraordinary sessions of  
 5 the same general assembly.  
 6 All bills and resolutions introduced in the first  
 7 regular session of a general assembly which are not  
 8 withdrawn, lost, or indefinitely postponed shall carry  
 9 over into the second regular session and to any  
 10 extraordinary session of the same general assembly.  
 11 Appointments received from the governor for senate  
 12 confirmation during any session of a general assembly  
 13 shall be acted upon prior to adjournment of that  
 14 session as provided by section 2.32 of the Code.  
 15 Except as provided by this rule, upon the adjournment  
 16 of the first regular session and any extraordinary  
 17 session, each bill or resolution shall be  
 18 automatically referred back to the committee to which  
 19 it was originally assigned. The secretary of the  
 20 senate shall publish in the Journal a list of the  
 21 bills returned to committee under this rule. Within  
 22 seven days after the first committee meeting after the  
 23 convening of the second regular session, committees  
 24 shall either authorize the chair to refer such bills  
 25 and resolutions to a subcommittee for consideration,  
 26 indefinitely postpone further consideration of such  
 27 bills, or report them out to the floor and place them  
 28 on the calendar. If the subcommittee is different  
 29 than that appointed during the first session, the  
 30 committee chair shall report to the senate the bill or

Page 3

1 resolution number and the names of the subcommittee  
 2 members.  
 3 Bills and resolutions which have been voted upon on  
 4 final passage by either house in any session shall  
 5 remain on the calendar in the same status as at the  
 6 end of the session at any subsequent regular or  
 7 extraordinary session.

#### Rule 5

##### Regular Order of Daily Business

9 The following order shall govern, subject to any  
 10 special order:

- 11 1. Correction of the journal.
- 12 2. Senators to be excused.
- 13 3. Communications to the Senate.
- 14 4. Introduction of bills and resolutions.
- 15 5. Points of personal privilege.
- 16 6. Consideration of senate calendar.

#### Rule 6

##### Senate Calendar

- 17 1. Each legislative day the secretary of the  
 18 senate shall prepare a listing of bills to be known as  
 19  
 20  
 21

22 the "Senate Calendar".

23 2. The senate calendar may contain a listing under  
24 the category "Special Order" which shall be placed at  
25 the head of the calendar. Bills in such category  
26 shall be those which are specifically set for debate  
27 by the majority leader with the consent of the senate  
28 on a certain date and time. Bills shall be listed by  
29 the secretary in the order they are set for debate.

30 3. The senate calendar shall include separate

Page 4

1 listings for any bills and resolutions in the  
2 following categories:

- 3 a. Conference Committee Report
- 4 b. Bills in Conference Committee
- 5 c. House Amendment to Senate Amendment to House
- 6 File
- 7 d. House Refuses to Concur in Senate Amendment to
- 8 House File
- 9 e. Senate Files Amended by the House
- 10 f. Unfinished Business
- 11 g. Motions to Reconsider
- 12 h. Administrative Rules Nullification Resolutions
- 13 i. Veto Messages from the Governor

14 4. The secretary shall list bills and resolutions  
15 in the above categories in the order they are  
16 received. Upon their first publication in the  
17 calendar, bills and resolutions in the above  
18 categories may be called up for debate at any time by  
19 the majority leader. Motions to reconsider shall be  
20 called up as provided by Rule 24.

21 5. The senate calendar shall include a listing of  
22 senate appropriations committee bills and bills  
23 reported out by the senate appropriations committee.  
24 The list shall be known as the "Appropriations  
25 Calendar". The secretary shall list the bills in the  
26 order they are received. Upon their first publication  
27 in the calendar, bills on the appropriations calendar  
28 may be called up for debate at any time by the  
29 majority leader provided they are eligible under Rule  
30 8.

Page 5

1 6. The senate calendar shall include a listing of  
2 bills which pertain to the levy, assessment or  
3 collection of taxes sponsored by or initially assigned  
4 to and reported out by the senate ways and means  
5 committee. The list shall be known as the "Ways and  
6 Means Calendar". The secretary shall list the bills  
7 in the order they are received. Upon their first

8 publication in the calendar, bills on the ways and  
9 means calendar may be called up for debate at any time  
10 by the majority leader provided they are eligible  
11 under Rule 8.

12 7. The senate calendar shall include a list of  
13 bills and resolutions, known as the "Regular  
14 Calendar", which shall consist of bills and  
15 resolutions reported out by a senate committee. The  
16 bills and resolutions reported out each day shall be  
17 placed in the order of their file numbers and  
18 following those reported out on previous days.  
19 Priority shall be given to senate over house bills and  
20 resolutions and to joint resolutions over bills. Upon  
21 their first publication in the calendar, bills on the  
22 regular calendar may be called up for debate at any  
23 time by the majority leader, provided they are  
24 eligible under Rule 8.

25 A bill reported out of committee which is  
26 subsequently referred to the ways and means or  
27 appropriations committee and then reported out of that  
28 committee, shall be returned to the regular calendar  
29 and retain its original place thereon.

30 8. The senate calendar shall include a listing of

Page 6

1 the governor's appointees to state boards,  
2 commissions, and other offices requiring senate  
3 confirmation. This listing shall be known as the  
4 "Confirmation Calendar". Names on the confirmation  
5 calendar may be called up for confirmation at any time  
6 by the majority leader provided they are eligible  
7 under rule 59.

8 9. The majority leader, or in the absence of the  
9 majority leader the assistant majority leaders, may  
10 select from among the bills on the previous  
11 legislative day's Senate calendar and from the bills  
12 selected create a new listing which shall be known as  
13 the "Debate Calendar". The debate calendar shall list  
14 bills as the majority leader expects to take them up  
15 during the following week. A bill or resolution on  
16 the debate calendar may be debated only when eligible  
17 under Rule 8.

18 10. The majority leader, or in the absence of the  
19 majority leader the assistant majority leaders, may  
20 create a list of bills or resolutions about which no  
21 controversy is believed to exist which shall be known  
22 as the "Proposed Noncontroversial Calendar". Bills or  
23 resolutions included on this listing may be debated at  
24 any time upon being called up for debate by the  
25 majority leader. Any bill or resolution which  
26 appeared on the previous day's Senate calendar may be

27 placed by any senator on the proposed noncontroversial  
28 calendar, which shall be published. Any bill or  
29 resolution on the proposed noncontroversial calendar  
30 shall be stricken from the list if any senator files a

Page 7

1 written objection with the secretary of the senate on  
2 the first or second legislative day after it appears  
3 on the proposed noncontroversial calendar. Any bill  
4 stricken from the proposed noncontroversial calendar  
5 shall be returned to its former place on the Senate  
6 calendar. The secretary shall prepare the  
7 noncontroversial calendar which shall consist of all  
8 bills or resolutions on the proposed noncontroversial  
9 calendar to which no objection was received.

10 11. If the senate shall not be in session on a day  
11 assigned in paragraphs nine and ten for action upon a  
12 calendar, such assigned action shall occur on the next  
13 succeeding legislative day.

14 12. On any bill called up for debate from any  
15 calendar, debate may continue from day to day until it  
16 is adopted, fails, or is postponed or deferred. If  
17 further debate is postponed or deferred without a time  
18 to continue being set, except for bills on the debate  
19 calendar, the bill shall be listed as unfinished  
20 business. Bills which are returned to the committee  
21 of first referral or to a different committee after  
22 being considered by the senate and classified as  
23 unfinished business shall be returned to the  
24 unfinished business calendar by that committee when  
25 the bill is reported out of committee. The unfinished  
26 business date on the calendar shall be the date on  
27 which the bill was returned to committee. Bills on  
28 the debate calendar upon which further debate is  
29 postponed or deferred without a time to continue being  
30 set shall return to the regular calendar.

Page 8

#### 1 Rule 7

#### 2 Steering Committee

3 The senate may authorize the appointment of a  
4 steering committee. The majority leader shall appoint  
5 the majority party members to the steering committee.  
6 The minority leader shall appoint the minority party  
7 members to the steering committee. The function of  
8 the steering committee shall be to create its own  
9 calendar from the bills and resolutions on the regular  
10 calendar. Bills and resolutions on the steering  
11 committee calendar shall have priority over bills and  
12 resolutions on all other calendars, except the

13 appropriations calendar.

14

Rule 8

15

When Eligible for Consideration

16

Bills, resolutions, and appointments shall be

17

eligible for consideration by the senate as follows:

18

1. An appointment by the governor which requires

19

senate confirmation shall be eligible on the

20

legislative day after it is first printed in the

21

senate calendar as provided by Rule 59.

22

2. A house or individually sponsored bill or

23

resolution reported out by a committee shall be

24

eligible on the legislative day after it is first

25

printed in the senate calendar.

26

3. A committee bill or resolution sponsored by the

27

appropriations committee shall be eligible on the

28

legislative day after it is first printed in the

29

senate calendar.

30

4. Any committee bill or resolution, other than a

Page 9

1

bill or resolution sponsored by the appropriations

2

committee, shall be eligible on the third legislative

3

day it is printed in the senate calendar.

4

5. A bill that has been reported out to the senate

5

calendar, referred to a different committee and

6

reported out by that committee is eligible for

7

consideration by the senate on the day it would have

8

been eligible under subsection 2, 3, or 4, whichever

9

is applicable, as if the bill had been printed in the

10

calendar after having been reported out by the first

11

committee.

12

6. Any bill or resolution placed on the steering

13

committee calendar is eligible for consideration on

14

the day of its placement on that calendar.

15

When a bill or resolution on the calendar is not

16

yet eligible, the date when it will become eligible

17

shall be printed in the calendar.

18

Rule 9

19

Debate and Decorum

20

Before addressing the senate, the senator shall

21

request recognition by depressing the "speak" device

22

and, when recognized, rise and respectfully address

23

the chair.

24

The senator shall confine all remarks to the

25

question under debate and shall avoid discussing

26

personalities or implication of improper motives. No

27

questions except by the senator recognized shall be

28

entertained after a senator is recognized to give

29

final remarks.

30

Rule 10

Page 10

1 Point of Personal Privilege

2 A point of personal privilege shall only be  
3 recognized when there is no motion pending or other  
4 business being considered by the senate. Senators  
5 speaking on a point of personal privilege shall be  
6 limited to ten minutes.

7 Rule 11

8 Introduction and Presentation of Guests

9 Only former members of the senate and former and  
10 present members of Congress shall be presented to the  
11 senate, except that the president of the senate may  
12 present a visitor whose presence is of special  
13 significance to the senate. The presence of school  
14 groups accompanied by school officials shall be  
15 announced by the president of the senate and shall be  
16 recorded in the journal upon written request of a  
17 member of the senate.

18

Rule 12

19 Form and Withdrawal of Motions, Amendments and Signatures

20 Motions need not be in writing unless required by  
21 the president or by the senate. No motion requires a  
22 second. Any amendment, motion (including a motion to  
23 reconsider), or resolution may be withdrawn by the  
24 mover if it has not been amended by the senate and if  
25 no amendment is pending. All amendments to bills,  
26 resolutions, and reports shall be in writing and filed  
27 before being acted upon by the senate.

28 No amendment, resolution, bill, or conference  
29 committee report shall be considered by the senate  
30 without a copy of the amendment, resolution, bill, or

Page 11

1 conference committee report being on the desks of the  
2 entire membership of the senate prior to  
3 consideration.

4 All amendments, reports, petitions or other  
5 documents requiring a signature shall have the name  
6 typed under the place for the signature. Once a  
7 signature is affixed and the document containing the  
8 signature filed with the recording clerk in the well,  
9 that signature shall not be removed.

10 When an amendment to a main amendment is filed that  
11 would negate the effect of the main amendment and  
12 thereby leave the bill unchanged, the presiding  
13 officer shall have the authority to declare the  
14 amendment to the main amendment out of order, subject  
15 to an appeal to the full senate.

16 When a house amendment to a senate file is before  
17 the senate, an amendment to the house amendment shall

18 be considered an amendment in the first degree.  
 19 Regardless of its origin, an amendment in the third  
 20 degree shall be ruled out of order.  
 21 When a ruling on germaneness is issued by the  
 22 presiding officer, it shall be accompanied by an  
 23 explanation of the ruling.

#### 24 Rule 13

25 Order and Precedence of Motions and Amendments  
 26 When a question is under debate, no motion shall be  
 27 received but to adjourn, to recess, questions of  
 28 privilege, to lay on the table, for the previous  
 29 question, to postpone to a day certain, to refer, to  
 30 amend, to postpone indefinitely, to defer, or

Page 12

1 incidental motions. A substitute is not in order  
 2 unless it is in the form of a motion to substitute.  
 3 Such motions shall have precedence in the order in  
 4 which they are named. No motion to postpone to a day  
 5 certain, to refer, or postpone indefinitely, being  
 6 decided, shall be again allowed on the same day with  
 7 regard to the same question. A motion to strike out  
 8 the enacting clause of a bill shall have precedence  
 9 over all amendments and, if carried, shall be  
 10 considered equivalent to the rejection of the bill.  
 11 A motion to strike everything after the enacting  
 12 clause has precedence over a committee amendment and  
 13 all other amendments except one to strike the enacting  
 14 clause. A committee amendment has precedence over all  
 15 other amendments except as provided in this rule.  
 16 A motion to rerefer a bill to committee may specify  
 17 when the committee shall report the bill to the  
 18 senate. If the motion is adopted in such form, the  
 19 committee must report the bill by the date and time  
 20 specified with or without recommendation or the bill  
 21 shall automatically be returned to the calendar. When  
 22 the bill is returned to the calendar, it shall occupy  
 23 the same position it occupied at the time the bill was  
 24 rereferred to the committee. If the committee to  
 25 which the bill is rereferred submits an amendment in  
 26 its report, that committee amendment shall take  
 27 precedence over other amendments except if that  
 28 committee amendment is in conflict with amendments  
 29 previously adopted, the committee amendment shall not  
 30 be considered until consideration of motions to

Page 13

1 reconsider the previously adopted amendments result in  
 2 removing the conflict. A committee may not file an  
 3 amendment to a bill unless the bill is in the

4 committee's possession.

5 Rule 14

6 MOTIONS BEFORE THE SENATE

7 Motions before the senate shall be displayed on the  
8 electronic voting system display boards.

9 Rule 15

10 Nondebatable Motions

11 The following motions are not debatable:

12 Adjourn

13 Recess

14 Call of the Senate

15 Lay on Table or Take from Table

16 Previous Question

17 Reconsider vote by which bill was placed on last reading.

18 A Motion to Reconsider and Lay the Motion to Reconsider  
19 on the Table (Double-barreled Motion).

20 Rule 16

21 Division of the Question

22 Any senator may call for a division of a question,  
23 which shall be divided if it includes propositions so  
24 distinct that if one is taken away, a substantive  
25 proposition shall remain in a technically proper form  
26 for the decision of the senate. A motion to strike  
27 out and insert is indivisible; but a motion to strike  
28 out, if lost, shall not preclude amendments to the  
29 matter attempted to be stricken or a motion to strike  
30 out and insert.

Page 14

1 Rule 17

2 The Previous Question

3 The previous question shall be in this form:

4 "Shall debate be closed on the pending question?" A  
5 motion for the previous question may be adopted by a  
6 majority of the senators present and voting. Its  
7 effect shall be to put an end to debate and bring the  
8 senate to a direct vote upon the pending question.  
9 However, any senator who has not previously spoken on  
10 the pending question and who, after the main question  
11 is taken up and before the motion for the previous  
12 question has been made, requested recognition by  
13 depressing the "speak" device may speak no longer than  
14 five minutes on the pending question. If action on  
15 the pending question continues into another  
16 legislative day or is deferred, the previous question  
17 shall apply and the requests to be recognized shall be  
18 honored.

19 When the motion applies to an amendment, the  
20 senator proposing the amendment shall have five  
21 minutes to close debate on the amendment.

22 The senator handling the measure under

23 consideration shall have ten minutes to close debate  
 24 on the main question.

25 Rule 18

26 Call of the Senate

27 Ten senators may file in writing a call of the  
 28 senate on any single item of legislative business. A  
 29 call of the senate requires the presence of every  
 30 senator and is in order at any time prior to the vote

Page 15

1 being announced by the president. The sergeant-at-  
 2 arms shall return promptly all absent senators.  
 3 Debate on the item may continue while absent senators  
 4 are returning, but no vote on the item is in order on  
 5 it until all have returned. Adoption of a motion to  
 6 recess or adjourn to a specific time will not lift the  
 7 call. The call may be lifted, or a senator may be  
 8 excused from the call without lifting the call, by a  
 9 vote of a constitutional majority of the senators.  
 10 Those senators excused prior to the filing of the call  
 11 are excused from the call.

12 Rule 19

13 Committee of the Whole

14 The senate may resolve itself into a committee of  
 15 the whole senate when it wishes to permit more free  
 16 and informal discussion. Persons other than senators  
 17 may appear and present information.  
 18 Any senator may move "that the senate now resolve  
 19 itself into a committee of the whole to consider" a  
 20 stated subject.  
 21 The president of the senate shall be chair of the  
 22 committee of the whole unless otherwise ordered by the  
 23 senate.  
 24 The procedure in committee of the whole is subject  
 25 to the rules of the senate. The previous question and  
 26 the motion to reconsider shall be in order.  
 27 The committee of the whole cannot take any final  
 28 action and its power is limited to recommendation to  
 29 the senate. The proceedings of the committee of the  
 30 whole, including any roll call vote, shall be printed

Page 16

1 in the journal.  
 2 Any senator may at any time, except while voting or  
 3 while a senator has the floor, move that "the  
 4 committee rise" which is equivalent to a motion to  
 5 adjourn.  
 6 After adoption of the motion to rise, the chair may  
 7 report to the senate in the same manner as other  
 8 committee reports are given.

## 9 Rule 20

10 Last Reading and Passage of Bills  
 11 When a motion to place a bill on its last reading  
 12 is lost, the same motion shall be in order at any  
 13 later time. After the last reading of a bill, no  
 14 amendment shall be received. The vote on final  
 15 passage shall be taken immediately without debate.

## 16 Rule 21

17 Engrossment of Bills  
 18 An engrossment is a proofreading and verification  
 19 in order to be certain that a bill before the senate  
 20 is identical with the original bill as introduced with  
 21 all amendments which have been adopted correctly  
 22 inserted.

23 In an engrossed bill, all obvious typographical,  
 24 spelling or other clerical errors are corrected and  
 25 section or paragraph numbers and internal references  
 26 are changed as required to conform the original bill  
 27 to any amendments which have been adopted. All such  
 28 corrections or changes shall be reported in the  
 29 journal by the secretary of the senate. The engrossed  
 30 bill shall be placed in the bill file with the

Page 17

1 original bill and amendments.

## 2 Rule 22

## 3 Manner of Voting

4 On voice vote, the question shall be distinctly put  
 5 in this form: "Those in favor of (the question) say  
 6 "aye"." "Those opposed to (the question) say "no"."  
 7 A non-record or record roll call vote may be  
 8 requested by any senator or ordered by the president  
 9 any time before the results are announced. A non-  
 10 record roll call shall be requested by asking for a  
 11 "division". A record roll call shall be requested by  
 12 asking for a "~~roll call~~" "record". Upon request for a  
 13 non-record or record roll call vote, the president  
 14 shall announce that such a non-record or record roll  
 15 call vote has been requested and shall state the  
 16 question to be put to the senate. The president then  
 17 shall direct the secretary of the senate to receive  
 18 the votes.  
 19 Senators present may cast their votes, either by  
 20 operating the voting mechanism located at their  
 21 assigned desk or by signaling the president if they  
 22 are unable to vote at their assigned desk. The  
 23 president shall enter the votes of senators signaling  
 24 their votes.  
 25 After sufficient time has elapsed for all senators  
 26 present to record their votes, the president shall  
 27 direct the secretary of the senate to close the voting

28 system. The president shall still enter the senators'  
29 votes at any time prior to directing the secretary of  
30 the senate to lock the voting system. The president

Page 18

1 shall then immediately announce the vote.

2 During a non-record or record roll call vote, both  
3 individual votes and vote totals shall be indicated  
4 openly on the display boards. On non-record roll  
5 calls, only vote totals shall be printed in the  
6 journal.

7 In the event the electronic voting system is not in  
8 operating order, the president shall direct the  
9 secretary of the senate to take the non-record or  
10 record roll call by calling the names of the senators  
11 in alphabetical order.

#### 12 Rule 23

##### 13 Duty of Voting

14 Every senator present when a question is put shall  
15 vote "aye", "no" or "present" unless previously  
16 excused by the senate. Upon demand being made by any  
17 senator, the secretary of the senate shall call in  
18 alphabetical order the names of the senators not  
19 voting or voting "present". Those senators called  
20 shall vote "aye" or "no" unless the senator states a  
21 personal interest in the question or concludes that he  
22 or she should not vote under the senate code of  
23 ethics.

#### 24 Rule 24

##### 25 Reconsideration

26 When a main motion has been decided by the senate,  
27 any senator having voted on the prevailing side may  
28 move to reconsider the vote on the same or next  
29 legislative day. Motions to reconsider the vote on a  
30 bill or resolution shall be in writing and filed with

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1 the secretary of the senate.

2 Notwithstanding any time limitations applicable to  
3 motions to reconsider main motions, a motion to  
4 reconsider the vote on an amendment may be made at any  
5 time before final disposition of the motion to be  
6 amended. Such motion shall be in writing and filed  
7 with the secretary of the senate. A motion to  
8 reconsider an amendment to a main motion shall be  
9 taken up for consideration only prior to the  
10 disposition of the main motion or upon reconsideration  
11 of the main motion.

12 A constitutional majority by a record roll call is  
13 necessary to reconsider a bill or joint resolution.

14 During three legislative days from the date the motion  
15 to reconsider a bill or resolution is filed, only the  
16 mover may call it up. Thereafter, any senator may  
17 call up the motion. If a date for adjournment has  
18 been set by resolution of the senate, any senator may  
19 call up a motion to reconsider at any time within  
20 three days prior to the date set for adjournment.  
21 If the motion to reconsider a bill or resolution  
22 prevails, motions to reconsider amendments thereto  
23 shall be in order and shall be disposed of without  
24 delay.  
25 A motion that any action taken by the senate be  
26 reconsidered and the motion to reconsider be laid upon  
27 the table shall be a single and indivisible motion,  
28 known as the double-barreled motion, which, if  
29 carried, shall have the effect of preventing  
30 reconsideration unless a motion to take from the table

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1 prevails. A constitutional majority is necessary for  
2 the double-barreled motion to prevail on a bill or  
3 joint resolution. The double-barreled motion can only  
4 be made from the floor after the vote is announced and  
5 the member who moved the final reading shall have  
6 priority in making it.  
7 A motion to reconsider and lay on the table shall  
8 have priority over a motion to reconsider if they are  
9 both filed on the same legislative day.  
10 In the event that a motion to reconsider is pending  
11 at the end of the first session or any extraordinary  
12 session of any general assembly, or the general  
13 assembly adjourns sine die, and the motion has not  
14 been voted upon by the senate, it shall be determined  
15 to have failed.

#### Rule 25

##### Suspension of Rules and Taking from Table

18 No standing rule or rules incorporated by reference  
19 under Rule 3 or order of the senate shall be rescinded  
20 or suspended, nor shall any matter, tabled upon  
21 motion, be taken up, except by an affirmative vote of  
22 a constitutional majority of the senate.

#### INTRODUCTION AND FORM OF BILLS

#### Rule 26

##### Time and Method of Introducing Bills and Amendments

26 All bills to be introduced in the senate shall be  
27 typed in proper form by the legislative service bureau  
28 and shall be filed with the recording clerk.

29 All amendments shall be typed in proper form and  
30 filed with the recording clerk not later than 4:30

Page 21

1 p.m., or adjournment, whichever is later, in order to  
2 be listed in the following day's clip sheet.

3 An "impact amendment" is an amendment which  
4 reasonably could have an annual effect of at least one  
5 hundred thousand dollars or a combined total effect  
6 within five years after enactment of five hundred  
7 thousand dollars or more on the aggregate revenues,  
8 expenditures or fiscal liability of the state or its  
9 subdivisions.

10 An impact amendment to a bill which has been on the  
11 special order calendar for at least three full  
12 legislative days prior to its consideration shall not  
13 be taken up by the senate unless:

- 14 1) a fiscal note is attached, and the amendment is  
15 filed at least one legislative day prior to the date  
16 set for consideration of the bill; or
- 17 2) the amendment is an appropriation or other  
18 measure where the total effect is stated in dollar  
19 amounts.

#### 20 Rule 27

##### 21 Limit on Introduction of Bills

22 No bill or joint resolution, except bills and joint  
23 resolutions cosponsored by the majority and minority  
24 floor leaders, shall be introduced in the senate after  
25 4:30 p.m. on Friday of the sixth week of the first  
26 regular session of a general assembly unless a written  
27 request for drafting the bill has been filed with the  
28 legislative service bureau before that time. After  
29 adjournment of the first regular session, bills may be  
30 prefiled at any time before the convening of the

Page 22

1 second regular session. No bill shall be introduced  
2 after 4:30 p.m. on Friday of the second week of the  
3 second regular session of a general assembly unless a  
4 written request for drafting the bill has been filed  
5 with the legislative service bureau before that time.  
6 However, standing committees may introduce bills and  
7 joint resolutions at any time. A bill which relates  
8 to departmental rules sponsored by the administrative  
9 rules review committee and approved by a majority of  
10 the members of the committee in each house may be  
11 introduced at any time and must be referred to a  
12 standing committee which must take action on the bill  
13 within three weeks. Senate and concurrent resolutions  
14 may be introduced at any time.

15 No bill, joint resolution, concurrent resolution or  
16 senate resolution shall be introduced at any  
17 extraordinary session unless sponsored by a standing

18 committee, the majority and minority floor leaders, or  
19 the committee of the whole.

20 Rule 28

21 Introduction, Reading and Form of Bills and Resolutions

22 Every senate bill and resolution shall be  
23 introduced by one or more senators or by any standing  
24 committee of the senate and shall at once be given its  
25 first reading.

26 If the senate is in session when a bill or  
27 resolution is introduced, the first reading shall  
28 consist of reading its file number, the title and  
29 sponsor of the bill. If the senate is not in session  
30 but a journal is published for the day, the first

Page 23

1 reading shall consist of a journal entry of the bill's  
2 file number, title, sponsor and the notation "Read  
3 first time under Rule 28."

4 Any bill or resolution approved for introduction by  
5 a standing committee during an interim period between  
6 sessions of one General Assembly shall be introduced  
7 without further action by the committee at the next  
8 succeeding regular session of the same General  
9 Assembly and placed immediately upon the regular  
10 calendar.

11 Every bill and resolution referred to committee  
12 shall have received two readings before its passage.

13 The subject of every bill shall be expressed in its  
14 title.

15 Rule 29

16 Explanations

17 No bill, except appropriation committee bills and  
18 simple or concurrent resolutions, shall be introduced  
19 unless a concise and accurate explanation is attached.  
20 The chief sponsor or a committee to which the bill has  
21 been referred may add a revised explanation at any  
22 time before the last reading, and it shall be included  
23 in the daily clip sheet.

24 Rule 30

25 Resolutions

26 A "senate resolution" is a resolution acted upon  
27 only by the senate which expresses sentiment or is  
28 used for the appointment of special committees within  
29 the senate. A senate resolution requires the  
30 affirmative vote of a majority of the senators present

Page 24

1 and voting. A senate resolution shall be filed with  
2 the secretary of the senate. A senate resolution  
3 shall be printed in the bound journal after its

4 adoption and in the daily journal upon written request  
 5 to the secretary of the senate by the sponsor of the  
 6 resolution.

7 Rule 31

8 Nullification Resolutions

9 A nullification resolution may be introduced by a  
 10 standing committee, the administrative rules review  
 11 committee, or any member of the senate. A  
 12 nullification resolution introduced by the  
 13 administrative rules review committee or a member of  
 14 the senate shall be referred to the same standing  
 15 committee it would be referred to if it was a bill.

16 Any nullification resolution may be referred to the  
 17 administrative rules review committee by a majority  
 18 vote of the standing committee which introduced it or  
 19 to which it was referred. The administrative rules  
 20 review committee may seek an agreement with the  
 21 affected administrative agency wherein the agency  
 22 agrees to voluntarily rescind or modify a rule or  
 23 rules relating to the subject matter of the  
 24 nullification resolution. An agreement to voluntarily  
 25 rescind or modify an administrative agency rule shall  
 26 be in writing and signed by the chief administrative  
 27 officer of the administrative agency and a majority of  
 28 the administrative rules review committee members of  
 29 each house and shall be placed on file in the offices  
 30 of the chief clerk of the house, the secretary of the

Page 25

1 senate and the secretary of state. If an agreement is  
 2 not reached, or the nullification resolution is not  
 3 approved by a majority of the administrative rules  
 4 review committee members of each house, within two  
 5 weeks of the date the resolution is referred to the  
 6 administrative rules review committee, the resolution  
 7 shall be placed on the calendar. If the nullification  
 8 resolution is approved by the administrative rules  
 9 review committee it shall be placed on the calendar.  
 10 A nullification resolution is subject to a motion to  
 11 withdraw the nullification resolution as provided in  
 12 rule 42.

13 A nullification resolution is debatable, but cannot  
 14 be amended on the floor of the senate.

15 Rule 32

16 Resolutions, Applicable Rules

17 All rules applicable to bills shall apply to  
 18 resolutions, except as otherwise provided in the  
 19 rules.

20 Rule 33

21 Study Bills

22 1. A study bill is any matter which a senator

23 wishes to have considered by a standing committee or  
 24 appropriations subcommittee for introduction as a  
 25 committee bill or resolution. The term "study bill"  
 26 includes "proposed bills" provided for in Rule 37 and  
 27 departmental requests prefiled in the manner specified  
 28 in section 2.16 of the Code.

29 2. A study bill shall bear the name of the member  
 30 who wishes to have the bill considered. A study bill

Page 26

1 proposed by a state agency shall bear the name of the  
 2 agency. A committee chair may submit a study bill in  
 3 the name of that committee.

4 3. Upon first receiving a study bill from a  
 5 senator, a committee chairperson shall submit three  
 6 copies to the secretary of the senate. Study bills  
 7 received in the secretary of the senate's office  
 8 before 3:00 p.m. shall be filed, numbered, and  
 9 reported in the journal for that day. Study bills  
 10 received in the secretary of the senate's office after  
 11 3:00 p.m. shall be filed, numbered, and reported in  
 12 the journal for the subsequent day. The secretary  
 13 shall number such bills in consecutive order. The  
 14 secretary shall maintain a record of all study bills  
 15 and their assigned number. Committee records shall  
 16 refer to study bills by the number assigned by the  
 17 secretary.

18 4. The secretary shall file a report in the  
 19 journal of each study bill received. The report shall  
 20 show the study bill number, its title or subject  
 21 matter and the committee which is considering it. If  
 22 a study bill is referred to a subcommittee, then the  
 23 committee chairperson shall report in the journal the  
 24 names of the subcommittee members to which it is  
 25 assigned.

26 5. If a committee bill or resolution is introduced  
 27 which was not previously the subject of a study bill  
 28 in the sponsoring committee, the majority leader may  
 29 re-refer the bill back to the committee.

30 6. A study bill not prepared by the legislative

Page 27

1 service bureau may be submitted to a standing  
 2 committee, but shall not be considered by the full  
 3 committee unless reviewed and typed in proper form by  
 4 the legislative service bureau.

#### 5 COMMITTEES AND COMMITMENT

##### 6 Rule 34

##### 7 Committee Appointments

8 Committee appointments shall be made by the

9 majority leader for majority party members, after  
 10 consultation with the president, and by the minority  
 11 leader for minority party members, after consultation  
 12 with the president. No senator shall serve on more  
 13 than five standing committees. The majority leader,  
 14 after consultation with the president, shall designate  
 15 the chairperson and vice-chairperson of each standing  
 16 committee. The minority leader, after consultation  
 17 with the president, shall designate the ranking member  
 18 of each standing committee from the minority  
 19 membership of that committee.

20 Rule 35

21 Standing Committees

22 The names of the standing committees of the senate  
 23 shall be:  
 24 Agriculture  
 25 Appropriations  
 26 Business and labor relations  
 27 Commerce  
 28 Education  
 29 Human resources  
 30 Judiciary

Page 28

1 Local government  
 2 Natural resources & Environment  
 3 Rules and administration  
 4 Small business, economic development, and tourism  
 5 State government  
 6 Transportation  
 7 Ways and means

8 Rule 36

9 Committee on Rules and Administration

10 The committee on rules and administration shall  
 11 recommend rules and rule changes to the senate, shall  
 12 hire senate employees, shall recommend salary scales  
 13 for all senate employees, and shall oversee senate  
 14 budget and administration matters.

15 The committee on rules and administration will  
 16 select, for senate approval, an individual to serve as  
 17 secretary of the senate.

18 Upon authorization being given by the committee on  
 19 rules and administration, the minority party members  
 20 of the committee will select, for senate approval, an  
 21 individual to serve as assistant parliamentarian.

22 The committee shall have the following standing  
 23 subcommittees:

- 24 1. Joint Rules
- 25 2. Senate Rules
- 26 3. Administrative Services
- 27 4. Caucus Services.

28 The majority leader shall serve as chair of the  
 29 rules and administration committee and as chair of the  
 30 standing subcommittee on caucus services. The

Page 29

1 president of the senate shall serve as vice-chair of  
 2 the rules and administration committee, and as chair  
 3 of the subcommittee on administrative services.

4 Rule 37

5 Appropriations Committee

6 The appropriations committee shall receive bills  
 7 committed to it and shall assign each to one of the  
 8 appropriations subcommittees.

9 The appropriations subcommittees shall be named:

10 Administration & Regulation

11 Agriculture and Natural Resources

12 Economic Development

13 Education

14 Health and Human Rights

15 Human Services

16 Justice System

17 Oversight & Communications

18 Transportation, Infrastructure & Capitals

19 The appropriations subcommittees shall receive  
 20 bills assigned to them or may originate proposed bills  
 21 within the subcommittee's jurisdiction as defined by  
 22 the appropriations committee for consideration by the  
 23 appropriations committee. Each subcommittee may  
 24 submit amendments to bills together with the  
 25 subcommittee's recommended action to the  
 26 appropriations committee.

27 If a bill or proposed bill is submitted to the  
 28 appropriations committee by an appropriations  
 29 subcommittee the appropriations committee may:

30 1. report the bill or approve the proposed bill

Page 30

1 for introduction by the appropriations committee;  
 2 2. report the bill with any appropriations  
 3 committee-approved amendments incorporated;  
 4 3. draft a new bill for sponsorship by the  
 5 appropriations committee and report it; or  
 6 4. re-refer it together with the appropriations  
 7 committee's objections to the appropriations  
 8 subcommittee from which it was originally referred or  
 9 which originated the draft bill.  
 10 The appropriations committee and subcommittees may  
 11 meet jointly with the appropriations committee of the  
 12 house of representatives.

13

Rule 38

14                   First Reading and Commitment  
 15    Upon the first reading of an individual bill or  
 16 resolution, or a house committee bill or resolution,  
 17 the president shall refer the bill or resolution to an  
 18 appropriate standing committee unless otherwise  
 19 ordered by the senate. If the bill or resolution is a  
 20 senate committee bill or resolution, the president  
 21 shall place it on the calendar after its first  
 22 reading. If the subject of the bill or resolution is  
 23 not germane to the title of the committee presenting  
 24 it, the president of the senate may refer it to a  
 25 committee deemed appropriate.  
 26 All bills carrying an appropriation for any purpose  
 27 or involving the expenditure of state funds shall be  
 28 referred to the committee on appropriations.  
 29 All bills pertaining to the levy, assessment or  
 30 collection of taxes or fees shall be referred to the

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1 committee on ways and means.  
 2 Any bill which provides for a new state board,  
 3 commission, agency or department or makes separate or  
 4 autonomous an existing state board, commission, agency  
 5 or department, shall be referred to the committee on  
 6 state government. This rule shall also apply when  
 7 such a provision is added to a bill or resolution by  
 8 amendment adopted by the senate. If the bill or  
 9 resolution is so referred after being sponsored or  
 10 reported out by another committee, and if the  
 11 committee on state government does not report out the  
 12 bill or resolution within ten legislative days after  
 13 referral, the bill or resolution shall automatically  
 14 be restored to the calendar with the same priority it  
 15 had immediately before referral.

#### 16                   Rule 39

#### 17                   Rules for Standing Committees

18 The following rules shall govern all standing  
 19 committees of the senate. Any committee may adopt  
 20 additional rules which are consistent with these  
 21 rules:

- 22 1. A majority of the members shall constitute a  
 23 quorum.
- 24 2. The chair of a committee shall refer each bill  
 25 and resolution to a subcommittee within seven days  
 26 after the bill or resolution has been referred to the  
 27 committee. The chair may appoint subcommittees for  
 28 study of bills and resolutions without calling a  
 29 meeting of the committee, but the subcommittee must be  
 30 announced at the next meeting of the committee. No

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1 bill or resolution shall be reported out of a  
2 committee until the next meeting after the  
3 subcommittee is announced, except that the chair of  
4 the appropriations committee may make the announcement  
5 of the assignment to a subcommittee by placing a  
6 notice in the journal. Any bill so assigned by the  
7 appropriations committee chair shall be eligible for  
8 consideration by the committee upon report of the  
9 subcommittee but not sooner than three legislative  
10 days following the publication of the announcement in  
11 the journal.

12 When a bill or resolution has been assigned to a  
13 subcommittee, the chair shall report to the senate the  
14 bill or resolution number and the names of the  
15 subcommittee members and such reports shall be  
16 reported in the journal. Subcommittee assignments  
17 shall be reported to the journal daily. Reports filed  
18 before 3:00 p.m. shall be printed in the journal for  
19 that day; reports filed after 3:00 p.m. shall be  
20 printed in the journal for the subsequent day.

21 Where standing subcommittees of any committee have  
22 been named, the names of the members and the title of  
23 the subcommittee shall be published once and  
24 thereafter publication of assignments may be made by  
25 indicating the title of the subcommittee.

26 3. No bill or resolution shall be considered by a  
27 committee until it has been referred to a subcommittee  
28 and the subcommittee has made its report unless  
29 otherwise ordered by a majority of the members.

30 4. The rules adopted by a committee, including

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1 subsections 2, 3, 9, 10, 11, and 12 of this rule, may  
2 be suspended by an affirmative vote of a majority of  
3 the members of the committee.

4 5. The affirmative vote of a majority of the  
5 members of a committee is needed to sponsor a  
6 committee bill or resolution or to report a bill or  
7 resolution out for passage.

8 6. The vote on all bills and resolutions shall be  
9 by roll call unless a short-form vote is unanimously  
10 agreed to by the committee. A record shall be kept by  
11 the secretary.

12 7. No committee, except a conference committee or  
13 the steering committee, is authorized to meet when the  
14 senate is in session.

15 8. A subcommittee shall not report a bill to the  
16 committee unless the bill has been typed into proper  
17 form by the legislative service bureau.

18 9. A bill or resolution shall not be voted upon  
19 the same day a public hearing called under subsection  
20 10 is held on that bill or resolution.

21 10. Public hearings may be called at the  
22 discretion of the chair. The chair shall call a  
23 public hearing upon the written request of one-half  
24 the membership of the committee. The chair shall set  
25 the time and place of the public hearing.

26 11. A subcommittee chair must notify the committee  
27 chair not later than one legislative day prior to  
28 bringing the bill or resolution before the committee.  
29 The committee cannot vote on a bill or resolution for  
30 at least one full day following the receipt of the

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1 subcommittee report by the chairperson.

2 12. A motion proposing action on a bill or  
3 resolution that has been defeated by a committee shall  
4 not be voted upon again at the same meeting of the  
5 committee.

6 13. Committee meetings shall be open.

#### 7 Rule 40

#### 8 Voting in Committee

9 All committee meetings shall be open at all times.

10 Voting by secret ballot is prohibited. Roll call  
11 votes shall be taken in each committee when final  
12 action on any bill or resolution is voted, unless a  
13 short-form vote is unanimously agreed to by the  
14 committee. A roll call vote also shall be taken in  
15 each committee at the request of a member upon any  
16 amendment or motion. All results shall be entered in  
17 the minutes which shall be public records. Records of  
18 these votes shall be made available by the chair or  
19 the committee secretary at any time. This rule also  
20 applies to the steering committee and appropriations  
21 subcommittees.

22 The committee shall not authorize the introduction  
23 of a committee bill or resolution until the members  
24 have received final copies of the bill or resolution  
25 with amendments or changes incorporated, and typed  
26 into proper form by the legislative service bureau.  
27 The committee may, by unanimous consent, dispense with  
28 this requirement when only nonsubstantive amendments  
29 or changes are necessary to correct the bill or  
30 resolution, or when a study bill or individually

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1 sponsored bill is voted out as a committee bill with  
2 no change in the text of the bill or the title.

3 The legislative service bureau shall file a report

4 with the committee members detailing the amendments or  
 5 changes and this report shall become a part of the  
 6 committee report.

7 Rule 41

8 Announcement of Committee Meetings

9 It shall be in order for the chair of any committee  
 10 to announce to the senate the time and place of  
 11 committee meetings. The announcement shall include a  
 12 proposed agenda for the meeting. The sergeant-at-arms  
 13 shall post at the rear of the chamber the daily  
 14 schedule of committee meetings.

15 Rule 42

16 Withdrawal of Bills and Resolutions from Committee

17 The secretary of the senate shall note on each bill  
 18 and resolution the date of its reference to committee.  
 19 No bill or resolution shall be withdrawn from any  
 20 committee within fifteen legislative days after the  
 21 bill or resolution has been referred to the committee  
 22 and thereafter only upon written petition for the  
 23 withdrawal of such bill or resolution signed by a  
 24 constitutional majority of the senators, except as  
 25 provided in Rule 38. Only senators may circulate such  
 26 a petition.

27 Rule 43

28 Committee Reports

29 All committees shall file a report of committee  
 30 meetings. Such reports shall contain the following

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1 information:

- 2 a. The time the meeting convened;
  - 3 b. Those senators who were present and absent at  
 4 the time the meeting convened, as well as the time any  
 5 senator, who was not present at the time the meeting  
 6 convened, arrives for the meeting;
  - 7 c. The vote on any bill or resolution reported out  
 8 of the committee for floor action;
  - 9 d. The title of the bill;
  - 10 e. The file number of the bill or resolution (if  
 11 known);
  - 12 f. Whether the committee recommends that the bill  
 13 or resolution be passed, amended and passed,  
 14 indefinitely postponed, or considered without  
 15 committee recommendation;
  - 16 g. An indication of other bills or matters  
 17 discussed;
  - 18 h. Such other matters as the committee chair shall  
 19 direct; and
  - 20 i. The time the meeting adjourned.
- 21 No committee report shall be read, but all  
 22 committee reports shall be printed in the journal.

23 Upon printing, all committee reports shall then stand  
 24 approved unless the senate directs otherwise.

25 Rule 44

26 Bills or Resolutions Recommended for Indefinite Postponement  
 27 No senate bill or resolution recommended for  
 28 indefinite postponement shall be considered in the  
 29 absence of the chief sponsor or, if a house bill or  
 30 resolution, in the absence of the senator representing

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1 the district in which the sponsor resides. When a  
 2 question is postponed indefinitely, it shall not be  
 3 again acted upon during that session of the general  
 4 assembly.

5 GENERAL RULES

6 Rule 45

7 ~~Admission~~ Access to Senate Chamber and Decorum

8 The persons who shall have access to the senate  
 9 chamber, and the times access shall be available, and  
 10 the rules governing their activities in the chamber  
 11 and other areas controlled by the senate shall be as  
 12 prescribed by the rules and administration committee  
 13 pursuant to a written policy adopted by the committee  
 14 and filed with the secretary of the senate.

15 Rule 45A

16 Smoking Restricted

17 ~~In addition to a written policy on smoking~~  
 18 ~~restrictions adopted by the committee on rules and~~  
 19 ~~administration, smoking may be prohibited in room R15A~~  
 20 ~~by the committee or subcommittee chair when a~~  
 21 ~~committee or an appropriations subcommittee is meeting~~  
 22 ~~in room R15.~~

23 Rule 46

24 Legislative Interns and Aides

25 Legislative interns for senators shall be allowed  
 26 on the floor of the senate in accordance with Rule 45;  
 27 provided that each intern first has obtained a name  
 28 badge from the secretary of the senate. The secretary  
 29 of the senate shall issue an appropriate badge to all  
 30 interns for senators.

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1 In addition, those persons designated as "aides to  
 2 senators" shall be allowed on the floor of the senate.  
 3 The secretary of the senate shall issue an appropriate  
 4 badge for such individuals.

5 Rule 47

6 Clearing of Lobby and Gallery

7 In case of disturbance or disorderly conduct in the  
 8 lobby or gallery, the presiding officer may order it

9 cleared.

10 Rule 48

11 Presentation of Petitions

12 Each petition shall contain a brief statement of  
13 its subject matter and the name of the senator  
14 presenting it. Petitions shall be filed with the  
15 secretary of the senate and noted in the journal.

16 Rule 49

17 Distribution of Printed Material

18 No general distribution of printed material in the  
19 senate shall be allowed unless authorized by the  
20 secretary of the senate or by a senator.

21 Rule 50

22 Concerning the Printing of Papers

23 Any paper, other than that contemplated by Section  
24 10, Article III of the Constitution of the State of  
25 Iowa, presented to the senate may, with the consent of  
26 a constitutional majority, be printed in the journal.

27 Rule 51

28 Reprinting of Documents

29 When any bill has been substantially amended by the  
30 senate, the secretary of the senate shall order the

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1 bill reprinted on paper of a different color. All  
2 adopted amendments inserting new material shall be  
3 distinguishable.  
4 The secretary of the senate may order the printing  
5 of a reasonable number of additional copies of bills,  
6 resolutions, amendments or journals.

7 OFFICERS AND EMPLOYEES

8 Rule 52

9 Duties of the President

10 The senate shall elect, from its membership, a  
11 president. The president shall call the senate to  
12 order at the hour to which the senate is adjourned.  
13 Unless otherwise ordered by the senate, the president  
14 shall proceed with the regular order of daily  
15 business. The president shall preserve order and  
16 decorum and decide all questions of order and  
17 corrections to the journal, subject to an appeal to  
18 the senate. The president shall direct voting as  
19 provided in rule 22. When a ruling on germaneness is  
20 issued by the presiding officer, it shall be  
21 accompanied by an explanation of the ruling. The  
22 president of the senate shall be the chair of the  
23 committee of the whole unless otherwise ordered by the  
24 senate, under rule 19.

25 Upon the first reading of an individual bill or  
26 resolution, or a house committee bill or resolution,  
27 the president shall refer the bill or resolution to

28 the appropriate standing committee unless otherwise  
 29 ordered by the senate. If the bill or resolution is a  
 30 senate committee bill or resolution, the president

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1 shall place it on the calendar after its first  
 2 reading. If the subject of the bill or resolution is  
 3 not germane to the title of the committee presenting  
 4 it, the president of the senate may refer it to the  
 5 appropriate committee.  
 6 The president shall sign legislative enactments  
 7 upon their enrolling.  
 8 The president of the senate shall serve as a member  
 9 of the legislative council and the senate rules and  
 10 administration committee. The president shall serve  
 11 on the rules and administration committee as chair of  
 12 the standing subcommittee designated to supervise the  
 13 secretary of the senate and other employees of the  
 14 administrative services division of the senate.

#### 15 Rule 53

##### 16 The President Pro Tempore

17 The senate shall elect, from its membership, a  
 18 president pro tempore. When the president is absent,  
 19 the president pro tempore shall preside, except when  
 20 the chair is filled by temporary appointment by the  
 21 president or the majority leader.

22 The president pro tempore, when presiding, shall  
 23 perform duties as prescribed in rule 52, paragraphs 1  
 24 and 2.

25 The president pro tempore shall serve as a member  
 26 of the legislative council and as a member of the  
 27 senate committee on rules and administration.

#### 28 Rule 54

##### 29 Secretary of the Senate

30 The secretary of the senate shall be an officer of

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1 the senate and shall:  
 2 1. Serve as chief administrative officer of the  
 3 senate.  
 4 2. Have charge of the secretary's desk.  
 5 3. Be responsible for the custody and safekeeping  
 6 of all bills, resolutions, and amendments filed,  
 7 except while they are in the custody of a committee.  
 8 4. Have charge of the daily journal.  
 9 5. Have control of all rooms assigned for the use  
 10 of the senate.  
 11 6. Keep a detailed record of senate action on all  
 12 bills and resolutions.  
 13 7. Insert adopted amendments into bills before

14 transmittal to the house of representatives and prior  
15 to final enrollment.

16 8. Prescribe the duties of and supervise all  
17 senate employees.

18 9. Authorize all expenditures of funds within the  
19 senate budget.

20 The secretary of the senate shall also act as  
21 senate parliamentarian and shall:

22 1. Advise the presiding officer of the senate  
23 about parliamentary procedures during deliberations of  
24 the senate.

25 2. Perform other duties as prescribed by the  
26 committee on rules and administration.

27 3. Process the handling of amendments when filed  
28 and during the floor consideration of bills.

29 Rule 55

30 Legal Counsel

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1 The legal counsel shall be a contractual employee  
2 of the senate and shall:

3 1. Serve as attorney and counselor for the senate.

4 2. At the request of the majority and minority  
5 leaders, research any legal issue in which the senate  
6 has an interest. However, the legal counsel shall not

7 issue nor venture any opinions on unresolved questions  
8 of law unless permitted by both the majority and  
9 minority leaders.

10 Rule 56

11 Sergeant-at-Arms

12 The sergeant-at-arms shall be an employee of the  
13 senate and shall:

14 1. Wear the appropriate badge of his or her  
15 office.

16 2. Attend the senate during its sessions.

17 3. Aid in the enforcement of order under the  
18 direction of the president of the senate and the  
19 secretary of the senate.

20 4. Execute the commands of the senate.

21 5. See that no unauthorized person disturbs the  
22 contents of the senators' desks.

23 6. Supervise the doorkeepers, the assistant  
24 sergeant-at-arms, and pages.

25 7. Announce all delegations from the governor or  
26 house.

27 8. Supervise the seating of visitors and press  
28 representatives.

29 Rule 57

30 Senate Secretaries

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1 Every senator shall be permitted to employ for each  
2 session of a general assembly a personally selected  
3 secretary.

4 Rule 58

5 Use of Electronic Voting System

6 Any officer or employee of the senate, other than a  
7 duly elected member of the senate, who operates the  
8 electronic voting machine mechanism located at the  
9 desk of said member of the senate shall be subject to  
10 immediate termination from employment. The provisions  
11 of this paragraph only shall apply during the taking  
12 of a record or non-record roll call vote ~~or division~~  
13 utilizing the electronic voting system.

14 CONFIRMATION OF APPOINTMENTS

15 Rule 59

16 Appointments

17 The secretary of the senate shall:  
18 a. send, to each appointee submitted by the  
19 governor for senate confirmation, a copy of a senate  
20 questionnaire as approved by the rules and  
21 administration committee;  
22 b. receive completed questionnaires from  
23 appointees and forward copies of the completed  
24 questionnaires to appropriate committee members;  
25 c. maintain "Confirmation Calendar" categories on  
26 the senate calendar as directed under this rule,  
27 senate rule 6, and by the committee on rules and  
28 administration. No appointee shall be listed as  
29 eligible on the confirmation calendar until the  
30 secretary has received the appointee's completed

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1 senate questionnaire.  
2 As soon as possible after the convening of a  
3 session, and again within one week following March 15,  
4 the secretary of the senate shall publish in the  
5 senate journal the names of all nominees submitted for  
6 confirmation. The secretary of the senate shall  
7 maintain a file of all appointments received from the  
8 governor for confirmation. The file shall contain a  
9 description of the duties and the compensation for  
10 each nominee. The file shall show the date an  
11 appointment was received from the governor, the date  
12 the appointment was published in the journal, whether  
13 the nominee has been introduced, whether a committee  
14 report has been filed, when the senate questionnaire  
15 was sent to the appointee, and shall include a copy of  
16 the appointee's completed senate questionnaire, upon  
17 receipt.

18 INVESTIGATING COMMITTEES. All appointments  
 19 received from the governor shall be referred to the  
 20 rules and administration committee by the secretary of  
 21 the senate on the same day they are published in the  
 22 senate journal. The rules and administration  
 23 committee shall establish an en bloc confirmation  
 24 calendar which must be filed with the secretary of the  
 25 senate. Within three (3) legislative days after  
 26 receiving an appointment, the committee shall either  
 27 place a nominee on the en bloc confirmation calendar  
 28 or assign the nominee to an appropriate standing  
 29 committee for further investigation, publishing notice  
 30 of such assignment in the senate journal for the next

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1 legislative day. If the rules and administration  
 2 committee fails to take action on a nominee within the  
 3 three days, the nominee shall automatically be placed  
 4 on the en bloc confirmation calendar.  
 5 Within the three (3) legislative days after an  
 6 appointment has been referred to the rules and  
 7 administration committee, any ten senators may require  
 8 that the nominee be assigned to an appropriate  
 9 standing committee by filing a written, signed request  
 10 therefor with the chairperson of the rules and  
 11 administration committee. The committee chair shall  
 12 refer the appointment to a subcommittee within one (1)  
 13 legislative day after a standing committee receives an  
 14 appointment for further investigation, publishing  
 15 notice of such assignment in the senate journal for  
 16 the next legislative day. Within ten (10) legislative  
 17 days after a standing committee receives an  
 18 appointment for further investigation the subcommittee  
 19 shall file its report with the standing committee.  
 20 Within fourteen (14) legislative days after a  
 21 standing committee receives an appointment for further  
 22 investigation, the committee shall conduct an  
 23 investigation of the nominee and file its report  
 24 thereon with the secretary of the senate, who shall  
 25 then place the nominee on the en bloc calendar or  
 26 individual confirmation calendar as directed by the  
 27 committee. The failure of a committee to file its  
 28 report within the prescribed time means that the  
 29 nominee is to be automatically placed, without  
 30 recommendation, upon the individual confirmation

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1 calendar.  
 2 Any individual nominated to head a department or  
 3 agency of state government, whose appointment is

4 subject to senate confirmation, must be introduced to  
5 the full senate prior to a vote on confirmation of the  
6 nominee. Additionally, any five (5) senators may  
7 request that any nominee be introduced to the senate  
8 by filing a written request with the secretary of the  
9 senate within ten (10) legislative days of the  
10 nominee's name appearing in the journal. Any  
11 individual nominated to a position requiring senate  
12 confirmation may request to be introduced to the full  
13 senate by notifying the secretary of the senate at  
14 least one (1) legislative day in advance of their  
15 appearance. If an individual is nominated both to  
16 fill a vacancy for an unexpired term and is also  
17 nominated for reappointment to that position during  
18 the same session, a single introduction is sufficient  
19 for eligibility for confirmation to both terms.

20 HEARINGS. Any member of a committee investigating  
21 an appointment may, within five (5) legislative days  
22 after the committee receives the appointment, obtain  
23 a hearing with the nominee by filing a written request  
24 with the secretary of the senate who shall forward it  
25 to the chair of the standing committee and the chair  
26 of the subcommittee. Notice of the hearing shall be  
27 published in the journal at least two (2) legislative  
28 days prior to the hearing. At the hearing, which  
29 shall be before the subcommittee, the nominee may be  
30 questioned as to his or her qualifications to fulfill

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1 the office to which nominated and further questioned  
2 as to his or her viewpoints on issues facing the  
3 office to which nominated. Any senator may at the  
4 discretion of the chair of the subcommittee be  
5 permitted to submit oral questions. The public may, at  
6 the discretion of the investigating committee, be  
7 permitted to submit oral or written statements as to  
8 the qualifications of the nominee.

9 Also, within five (5) legislative days after the  
10 subcommittee receives an appointment for  
11 investigation, any senator may submit written  
12 questions to be answered by the nominee prior to  
13 consideration of the nominee's confirmation by the  
14 senate.

15 INFORMATIONAL MEETINGS. After a nominee has been  
16 placed on the calendar and prior to the vote on  
17 confirmation, any senator may request an informational  
18 meeting on the nomination which shall be held before  
19 the subcommittee.

20 VOTING ON CONFIRMATIONS. Upon the motion of the  
21 majority leader or his or her designee, the nominees  
22 on the en bloc confirmation calendar shall be

23 confirmed en bloc by the affirmative vote of two-  
 24 thirds of the members elected to the senate. The  
 25 journal shall reflect a single roll call accompanied  
 26 by a statement of the names of those individuals  
 27 subject to the en bloc confirmation vote.  
 28 Prior to an en bloc vote, any senator may request,  
 29 either in writing or from the floor, an individual  
 30 vote on any nominee on the en bloc confirmation

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1 calendar. The senate shall vote separately on the  
 2 nominee.  
 3 Nominees on the individual confirmation calendar  
 4 shall be confirmed by a two-thirds vote; however, the  
 5 senate shall take a separate roll call on each  
 6 nominee, unless by unanimous consent, it determines to  
 7 take one vote on all nominees under consideration. In  
 8 any case, the journal shall reflect a single roll call  
 9 vote for each nominee.  
 10 If an individual is nominated both to fill a  
 11 vacancy for an unexpired term and is also nominated  
 12 for reappointment to that position, and such  
 13 appointment and reappointment appear on the senate  
 14 calendar as eligible at the same time, a single vote  
 15 is sufficient for confirmation to both terms.

#### 16 Rule 60

17 Time of Committee Passage and Consideration of Bills  
 18 1. This rule does not apply to concurrent or  
 19 simple resolutions, joint resolutions nullifying  
 20 administrative rules, senate confirmations, bills  
 21 embodying redistricting plans prepared by the  
 22 legislative service bureau pursuant to chapter 42, or  
 23 bills passed by both houses in different forms.  
 24 Subsection 2 of this rule does not apply to  
 25 appropriations bills, ways and means bills, legalizing  
 26 acts, administrative rules review committee bills,  
 27 bills sponsored by standing committees in response to  
 28 a referral from the president of the senate or the  
 29 speaker of the house of representatives relating to an  
 30 administrative rule whose effective date has been

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1 delayed until the adjournment of the next regular  
 2 session of the general assembly by the administrative  
 3 rules review committee, bills cosponsored by the  
 4 majority and minority floor leaders of the senate,  
 5 bills in conference committee, and companion bills  
 6 sponsored by the majority floor leaders of both houses  
 7 after consultation with the respective minority floor  
 8 leaders. For the purposes of this rule, a joint

9 resolution is considered as a bill. To be considered  
 10 an appropriations or ways and means bill for the  
 11 purposes of this rule, the appropriations committee or  
 12 the ways and means committee must either be the  
 13 sponsor of the bill or the committee of first referral  
 14 in the senate.

15 2. To be placed on the calendar in the senate a  
 16 senate bill must be first reported out of ~~the a~~  
 17 standing committee of first referral by Friday of the  
 18 ~~9th~~ 10th week of the first session and the ~~7th~~ 8th  
 19 week of the second session. A house bill must be  
 20 first reported out of ~~the a standing~~ committee of  
 21 ~~first referral~~ by Friday of the ~~12th~~ 13th week of the  
 22 first session and the ~~10th~~ 11th week of the second  
 23 session to be placed on the senate calendar.

24 3. During the ~~10th~~ 11th week of the first session  
 25 and the ~~8th~~ 9th week of the second session, the senate  
 26 shall consider only bills originating in the senate  
 27 and unfinished business. During the ~~13th~~ 14th week of  
 28 the first session and the ~~11th~~ 12th week of the second  
 29 session, the senate shall consider only bills  
 30 originating in the house and unfinished business.

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1 Beginning with the ~~14th~~ 15th week of the first session  
 2 and the ~~12th~~ 13th week of the second session, the  
 3 senate shall consider only bills passed by both  
 4 houses, bills exempt from subsection 2 and unfinished  
 5 business.

6 4. A motion to reconsider filed and not disposed  
 7 of on an action taken on a bill or resolution which is  
 8 subject to a deadline under this rule may be called up  
 9 at any time before or after the day of the deadline by  
 10 the person filing the motion or after the deadline by  
 11 the majority floor leader, notwithstanding any other  
 12 rule to the contrary.

13 BE IT FURTHER RESOLVED, That should a system of  
 14 deadlines for the time of committee passage and  
 15 consideration of bills be adopted by joint action of  
 16 the senate and house at any time during the ~~seventy-~~  
 17 ~~eighth~~ seventy-ninth general assembly, those  
 18 provisions shall supersede the provisions of rule 60.

**SENATE RESOLUTION 7:** filed from the floor; adopted by the  
 Senate on February 6, 2001.

1 SENATE RESOLUTION 7  
 2 By: Dvorsky, Bolkcom, Drake, Kramer, Iverson,  
 3 Tinsman, Rittmer, Greiner, McKibben, Redfern,  
 4 Johnson, Lundby, Angelo, Maddox, Boettger,

5 Rehberg, Behn, King, Veenstra, Lamberti,  
 6 Gaskill, Miller, Redwine, McKinley, Sexton,  
 7 Schuerer, Jensen, Freeman, Bartz, Zieman,  
 8 Kibbie, Fink, Horn, Connolly, Deluhery,  
 9 Fraise, Gronstal, Hansen, Flynn, McCoy,  
 10 Harper, and Soukup  
 11 A Senate resolution recognizing the achievements of Nancy Coover  
 12 Andreasen.  
 13 WHEREAS, Nancy Coover Andreasen, M.D., Ph.D., the  
 14 Andrew Woods Chair of Psychiatry, University of Iowa  
 15 College of Medicine, Editor of the American Journal of  
 16 Psychiatry, and author of hundreds of articles and  
 17 books including "The Broken Brain: The Biological  
 18 Revolution in Psychiatry" in 1984, is recognized  
 19 internationally for her distinguished contributions as  
 20 an educator, author, researcher, and provider of  
 21 mental health services in the field of psychiatry; and  
 22 WHEREAS, in her over 30 years of study and research  
 23 in the field of psychiatry, Dr. Andreasen has been a  
 24 leader and a visionary in her profession by, in  
 25 addition to her vast number of other accomplishments,  
 26 developing a tool to evaluate psychiatric  
 27 abnormalities and to rank their severity, which  
 28 evolved into a tool to rate symptoms of schizophrenia  
 29 becoming a "citation classic," cited more than the  
 30 works of Sigmund and Anna Freud combined; utilizing

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1 neuroimaging to pinpoint and measure the biological  
 2 basis of human behavior in mental illness,  
 3 particularly schizophrenia; and being the first to  
 4 demonstrate a relationship between manic-depressive  
 5 illness and creativity; and  
 6 WHEREAS, while Dr. Andreasen has been recognized by  
 7 her peers for her contributions to her profession with  
 8 numerous honors and awards, she is also recognized for  
 9 her compassion toward her patients, as an advocate for  
 10 persons with chronic mental illness, and as a person  
 11 who through her unique ability to make brain research  
 12 understandable to the public has provided relief and  
 13 hope to persons with mental illness and their  
 14 families; and  
 15 WHEREAS, Dr. Andreasen once analogized the need for  
 16 a vision of the future in scientific research to  
 17 hockey, recalling a quote from Wayne Gretzky: "I  
 18 skate to where the puck will be, not to where it is";  
 19 and  
 20 WHEREAS, Dr. Andreasen has received numerous  
 21 honors, including most recently the President's  
 22 National Medal of Science on December 1, 2000, which  
 23 has only been awarded to 374 distinguished scientists

24 and engineers and to only three Iowans since its  
 25 inception in 1959; and  
 26 WHEREAS, the inscription on the President's  
 27 National Medal of Science awarded to Dr. Andreasen  
 28 reads, "For her pivotal contributions to the social  
 29 and behavioral sciences, through the integrative study  
 30 of mind, brain, and behavior, by joining behavioral

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1 science with the technologies of neuroscience and  
 2 neuroimaging in order to understand mental processes  
 3 such as memory and creativity, and mental illnesses  
 4 such as schizophrenia"; and  
 5 WHEREAS, Dr. Andreasen's humility in the midst of  
 6 all the acclaim is best typified by her own words in  
 7 acknowledging her most recent award: "I am a firm  
 8 believer that the importance of one's work is the  
 9 process of doing it, not in getting awards. When I  
 10 die, I don't care what prizes I won. I care about  
 11 what contributions I can make through my work"; NOW  
 12 THEREFORE,  
 13 BE IT RESOLVED BY THE SENATE, That the Senate  
 14 recognizes Dr. Andreasen not only as an award-winning,  
 15 internationally acknowledged psychiatrist, educator,  
 16 researcher, and author, but as an Iowa treasure who  
 17 through her genuine compassion and dedication has  
 18 improved the lives of and has provided hope and  
 19 understanding to persons with mental illness and their  
 20 families.

**SENATE RESOLUTION 8:** filed February 6, 2001; adopted by  
 the Senate on April 18, 2001.

1 SENATE RESOLUTION 8  
 2 By: Dvorsky and Bolkcom  
 3 A Senate resolution honoring Christine Grant, former Women's  
 4 Athletic Director of the University of Iowa.  
 5 WHEREAS, Christine Grant, the Women's Athletic  
 6 Director at the University of Iowa for 27 years, has  
 7 recently retired from that position which she held  
 8 since the department was established in 1973; and  
 9 WHEREAS, during her tenure, Christine Grant  
 10 supervised a coaching staff which has led Iowa women's  
 11 teams to win or share in 25 Big Ten championships,  
 12 having nationally ranked teams in women's basketball  
 13 and softball, and supervising varsity teams of field  
 14 hockey, swimming, diving, tennis, golf, gymnastics,  
 15 track and cross country, and volleyball, and adding  
 16 soccer and rowing; and  
 17 WHEREAS, in addition to her teaching, coaching, and

18 administrative duties, Christine Grant was a founding  
 19 member of the Association for Intercollegiate  
 20 Athletics for Women, serving as President of that  
 21 association from 1979-82, and was on the Board of  
 22 Directors of the National Association of Collegiate  
 23 Women's Athletic Administrators, serving as President  
 24 of that association from 1987-98 and chairing the  
 25 Gender Equity Committee; and  
 26 WHEREAS, Christine Grant has received numerous  
 27 academic and professional awards, including the  
 28 "National Administrator of the Year" award from both  
 29 the National Association of Collegiate Women's  
 30 Athletic Administrators and the Women's Basketball

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1 Coaches' Association; the NCAA Honda Award of Merit  
 2 for Outstanding Achievement in Women's Collegiate  
 3 Athletics; a Presidential Award from and inducted into  
 4 the Hall of Fame of the National Girls and Women in  
 5 Sport; and was the corecipient of the first Lou Henry  
 6 Hoover Award for outstanding contributions to the  
 7 development of girls' and women's sports in Iowa; and  
 8 WHEREAS, Christine Grant has become a familiar  
 9 name and voice in the world of sports as a crusader  
 10 for gender equity in intercollegiate athletics, with  
 11 her long association with Title IX and gender equity  
 12 activism including testimony before United States  
 13 House of Representatives' subcommittees, serving as an  
 14 expert consultant to the Health Education and Welfare  
 15 Office for Civil Rights Title IX Task Force, and  
 16 testimony as an expert witness in landmark sports  
 17 discrimination lawsuits; and  
 18 WHEREAS, Christine Grant has emphasized competence  
 19 and high integrity for the staff and players of the  
 20 University of Iowa women's teams; NOW THEREFORE,  
 21 BE IT RESOLVED BY THE SENATE, That Christine Grant  
 22 be recognized and congratulated for her outstanding  
 23 commitment to women's sports and to the University of  
 24 Iowa, and wished a well-earned, pleasant retirement.

**SENATE RESOLUTION 9:** filed February 12, 2001; adopted by  
 the Senate on February 13, 2001.

1 SENATE RESOLUTION 9  
 2 By: Kramer, Iverson, and Gronstal  
 3 A Senate resolution honoring George C. Finkenauer, Doorkeeper  
 4 of the Senate.  
 5 WHEREAS, George Finkenauer joined the Senate as a  
 6 Doorkeeper on January 19, 1990, after his retirement  
 7 from Firestone Tire and Rubber; and

8 WHEREAS, George arrived early at his post every  
 9 morning, and dutifully made the coffee, earning for  
 10 himself the sobriquet of "Mr. Coffee", and the  
 11 grateful thanks of the later arrivals; and  
 12 WHEREAS, George served his country in World War II,  
 13 at the Battle of the Bulge and D-Day, and in the  
 14 liberation of Nazi concentration camps, all of which  
 15 increased his appreciation for the beauty and value of  
 16 life; and  
 17 WHEREAS, George took pride in his heritage, hailing  
 18 from Dubuque, and in his faith, and was especially  
 19 proud of having been chosen on occasion to offer the  
 20 opening prayer in the Senate; and  
 21 WHEREAS, George was known for his kind heart and  
 22 generous nature, and his quiet and capable attention  
 23 to his duties; and  
 24 WHEREAS, George truly enjoyed his work in the  
 25 Senate, and his recollection of names of family  
 26 members of his coworkers was but one small indicator  
 27 of his caring nature; and  
 28 WHEREAS, George's well-earned retirement has left  
 29 him to spend more time with his wife Kathleen; and  
 30 WHEREAS, George's years of loyal service and

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1 attention are well-deserving of honor and acclaim; NOW  
 2 THEREFORE,  
 3 BE IT RESOLVED BY THE SENATE, That George C.  
 4 Finkenauer be publicly recognized for his dedicated  
 5 service to the Iowa Senate, congratulated on his  
 6 retirement, and wished all the best.  
 7 BE IT FURTHER RESOLVED, That a formal copy of this  
 8 Resolution be presented to George C. Finkenauer, with  
 9 the thanks of the Senate for a job well done.

**SENATE RESOLUTION 10:** filed February 12, 2001; adopted by  
 the Senate on February 13, 2001.

1 SENATE RESOLUTION 10  
 2 By: Kramer, Iverson, and Gronstal  
 3 A Senate resolution honoring Everett A. "Sam" Samuelson,  
 4 Doorkeeper of the Senate.  
 5 WHEREAS, Sam Samuelson joined the Senate as a  
 6 Doorkeeper on January 25, 1982, after his retirement  
 7 from an oil company; and  
 8 WHEREAS, Sam loved music, and entertained many  
 9 times with the "Samuelson Trio", playing drums,  
 10 accompanied by his wife Martha playing piano, and the  
 11 third member of the trio playing bass, including at  
 12 social events at the Statehouse; and

13 WHEREAS, Sam's Swedish heritage and his roots in  
 14 Pennsylvania are a great source of pride for him; and  
 15 WHEREAS, Sam took pleasure in a good story, and  
 16 told his fair share of them, finding humor in daily  
 17 life and generously giving of his time and his smiles;  
 18 and  
 19 WHEREAS, Sam truly enjoyed his work in the Senate,  
 20 and his friendly face and outgoing attitude made every  
 21 visitor to the Chamber feel welcome and every coworker  
 22 valued; and  
 23 WHEREAS, Sam's well-earned retirement has left him  
 24 to spend more time with his wife Martha and his  
 25 beloved cats; and  
 26 WHEREAS, Sam's years of loyal service and attention  
 27 are well-deserving of honor and acclaim; NOW  
 28 THEREFORE,  
 29 BE IT RESOLVED BY THE SENATE, That Everett A. "Sam"  
 30 Samuelson be publicly recognized for his dedicated

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1 service to the Iowa Senate, congratulated on his  
 2 retirement, and wished all the best.  
 3 BE IT FURTHER RESOLVED, That a formal copy of this  
 4 Resolution be presented to Everett A. "Sam" Samuelson,  
 5 with the thanks of the Senate for a job well done.

**SENATE RESOLUTION 11:** filed February 12, 2001; adopted by  
 the Senate on February 22, 2001.

1 SENATE RESOLUTION 11  
 2 By: McKean and Hansen  
 3 A Senate resolution requesting the legislative council  
 4 to appoint a committee to promote truthfulness and  
 5 honesty in political campaigns.  
 6 WHEREAS, allegations relating to the use of false  
 7 or misleading assertions and material in political  
 8 campaigns have resulted in focusing media attention on  
 9 the negative side of political campaigning and away  
 10 from the issues in and candidates standing for the  
 11 elections; and  
 12 WHEREAS, false or misleading assertions and  
 13 material in political campaigns do not provide useful  
 14 candidate and ballot information to the voters of this  
 15 state, but rather only serve to harm and  
 16 sensationalize the political process; and  
 17 WHEREAS, although there have been attempts to  
 18 improve the conduct of persons involved in political  
 19 campaigns, because of the complex legal issues  
 20 involved in the regulation of campaign conduct and the  
 21 context in which most of those attempts have arisen,

22 those attempts have not achieved the goal of  
23 eliminating the use of false or misleading  
24 representations and material in political campaigns;  
25 and  
26 WHEREAS, any attempt to improve the conduct of  
27 persons involved in political campaigns must apply to  
28 all persons involved in the campaigns and should be  
29 based on bipartisan consensus in order to be fair and  
30 effective; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That the legislative  
2 council is requested to appoint a committee to  
3 undertake a review of the issues and proposals  
4 relating to how to most effectively and fairly control  
5 and limit the use of false or misleading assertions,  
6 untrue or deceptive representations of fact, or other  
7 false, misleading, or deceptive material in political  
8 campaigns. The review shall include but not be  
9 limited to a review of legal impediments to  
10 effectively control activity within political  
11 campaigns; other states' efforts to regulate conduct  
12 in political campaigns; recommendations regarding the  
13 most effective forum for resolving issues and  
14 complaints relating to the use of false, misleading,  
15 or deceptive assertions or material in political  
16 campaigns; and recommendations relating to what form  
17 any regulation relating to campaign conduct should  
18 take. Committee membership shall be as determined by  
19 the legislative council and may include, but is not  
20 limited to, members of the legislative council, other  
21 members of the general assembly, and any other  
22 interested persons deemed appropriate by the  
23 legislative council. Staffing for the committee shall  
24 be provided by the legislative service bureau.

**SENATE RESOLUTION 12:** filed February 13, 2001; adopted by  
the Senate on March 7, 2001.

1 SENATE RESOLUTION 12  
2 By: Maddox  
3 A Senate resolution honoring Theresa J. Uchytel.  
4 WHEREAS, Theresa Uchytel was crowned Miss Iowa  
5 2000, on June 10, 2000; and  
6 WHEREAS, Theresa Uchytel has been twirling baton  
7 for nearly 20 years, achieving such high honors as  
8 becoming the World Open Strut and Solo Baton-Twirling  
9 Champion and the Head Majorette Instructor for the  
10 Marching Auxiliaries of America, and playing  
11 basketball, softball, and other sports, in spite of

12 the challenge of having been born without her left  
 13 hand; and  
 14 WHEREAS, Theresa Uchytel refuses to be defined by  
 15 her handicap and seeks to encourage people, regardless  
 16 of their challenge, to overcome the obstacles in their  
 17 lives; and  
 18 WHEREAS, Theresa Uchytel adopted as her Miss Iowa  
 19 pageant platform "Facing the Challenge", which  
 20 involved plans to educate the public about Americans  
 21 with disabilities and how to obtain care; and was  
 22 selected first runner-up for the "Quality of Life  
 23 Award" in the Miss America pageant due to this  
 24 platform; and  
 25 WHEREAS, Theresa Uchytel is a national spokesperson  
 26 for the Shriners Hospitals for Children, and was  
 27 appointed a national advocate for the Americans With  
 28 Disabilities Act; and  
 29 WHEREAS, Theresa Uchytel's achievements surpass  
 30 mere outward beauty, and exemplify personality traits

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1 and perseverance that all Iowans should embrace; NOW  
 2 THEREFORE,  
 3 BE IT RESOLVED BY THE SENATE, That the Senate  
 4 congratulates Theresa Uchytel on her successful reign  
 5 as Miss Iowa 2000, recognizes her talents and personal  
 6 achievements, and wishes her great success in her  
 7 future endeavors.

**SENATE RESOLUTION 13:** filed February 13, 2001; adopted by  
 the Senate on March 20, 2001.

1 SENATE RESOLUTION 13  
 2 By: Tinsman  
 3 A Senate resolution recognizing the Right Reverend C.  
 4 Christopher Epting.  
 5 WHEREAS, the Right Reverend C. Christopher Epting,  
 6 Bishop of the Episcopal Diocese of Iowa, was born in  
 7 Greenville, South Carolina, raised in Orlando,  
 8 Florida, graduated from the University of Florida in  
 9 1969, and from Seabury-Western Theological Seminary in  
 10 1972; and  
 11 WHEREAS, Bishop Epting served congregations large  
 12 and small, urban and rural, as a parish priest, served  
 13 for a time as the Dean of the Institute for Christian  
 14 Studies, and received a master's degree in Sacred  
 15 Theology from the General Theological Seminary in New  
 16 York for his work in spiritual direction; and  
 17 WHEREAS, Bishop Epting was elected Bishop of Iowa  
 18 in 1988, and has since worked to empower ministry,

19 strengthen the role and presence of deacons, emphasize  
 20 adult education and spiritual renewal, and develop  
 21 cooperative ministry between churches, and has been  
 22 active in ecumenical relations; and  
 23 WHEREAS, Bishop Epting serves as chief pastor of  
 24 the 63 Episcopal congregations in the Diocese of Iowa,  
 25 and serves as a member of the National Standing  
 26 Commission on Ecumenical Relations and President of  
 27 Province IV of the Episcopal Church, and as Bishop  
 28 Visitor to the Community of the Transfiguration in  
 29 Cincinnati, Ohio; and  
 30 WHEREAS, Bishop Epting was instrumental in drafting

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1 the document "Called to Common Mission," effecting  
 2 full communion between the Episcopal Church and the  
 3 Evangelical Lutheran Church in America; and  
 4 WHEREAS, Bishop Epting believes that people of all  
 5 faith traditions need to join together to help all  
 6 peoples of the world to enrich one another in faith,  
 7 and to live peacefully linked to one another in  
 8 community; and  
 9 WHEREAS, Bishop Epting has recently been called to  
 10 serve as the Presiding Bishop's Deputy for Ecumenical  
 11 and Interfaith Relations at the National Episcopal  
 12 Church, and will begin service at the National  
 13 Episcopal Church office in New York in mid-April 2001;  
 14 and  
 15 WHEREAS, Bishop Epting has been a major influence  
 16 in Iowa and in the Des Moines community, has offered  
 17 the opening prayer in the Iowa Senate, and has been a  
 18 leader of the ecumenical services held at the Capitol;  
 19 NOW THEREFORE,  
 20 BE IT RESOLVED BY THE SENATE, That the Senate honor  
 21 the Right Reverend C. Christopher Epting, thank him  
 22 for his years of service to the people of Iowa, and  
 23 wish him success in his future endeavors.  
 24 BE IT FURTHER RESOLVED, That the Secretary of the  
 25 Senate shall send a copy of this Resolution to the  
 26 Right Reverend C. Christopher Epting.

**SENATE RESOLUTION 14:** filed from the floor; adopted by the Senate on February 15, 2001.

1 SENATE RESOLUTION 14  
 2 By: Flynn and Harper  
 3 A Senate resolution recognizing Task Force Alpha of the  
 4 Iowa Army National Guard for its dedication and  
 5 outstanding performance of duty.  
 6 WHEREAS, one hundred two soldiers from Company A,

7 1st Battalion, 133rd Infantry of the Iowa Army  
 8 National Guard, were selected to perform a vital  
 9 security mission in Saudi Arabia and Kuwait for  
 10 October 10, 2000, to February 17, 2001; and  
 11 WHEREAS, Task Force Alpha includes troops from  
 12 Waterloo, Charles City, Dubuque, Oelwein, Hampton, and  
 13 Iowa Falls; and  
 14 WHEREAS, throughout their mobilization, deployment,  
 15 and demobilization, the members of Task Force Alpha  
 16 continually demonstrated professionalism, dedication,  
 17 and skill of the highest level; and  
 18 WHEREAS, the members of Task Force Alpha, in their  
 19 active duty abroad, were separated from home and  
 20 family relationships and obligations, and missed  
 21 special family occasions as they fulfilled their  
 22 assignment; and  
 23 WHEREAS, the actions of Task Force Alpha reflect  
 24 great credit upon all citizen soldiers of the Iowa  
 25 National Guard and the people of the state of Iowa;  
 26 and  
 27 WHEREAS, the people of the state of Iowa take great  
 28 pride in the professionalism of the members of Task  
 29 Force Alpha; NOW THEREFORE,  
 30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 recognize the members of Task Force Alpha for their  
 2 dedication and outstanding performance of duty, and  
 3 that the Senate express its appreciation to the  
 4 families of the members of Task Force Alpha; and  
 5 BE IT FURTHER RESOLVED, That a copy of this  
 6 Resolution be presented to the Iowa Army National  
 7 Guard Commander of the 1st Battalion, 133rd Infantry;  
 8 to Company A, 1st Battalion, 133rd Infantry; and to  
 9 all the members of Task Force Alpha.

**SENATE RESOLUTION 16:** filed February 28, 2001; adopted by  
 the Senate on March 21, 2001.

1 SENATE RESOLUTION 16  
 2 By: Redfern and Harper  
 3 A Senate resolution designating the Grout Museum of History  
 4 and Science as the official repository of artifacts  
 5 related to the Sullivan Brothers.  
 6 WHEREAS, George Thomas, Francis Henry, Joseph  
 7 Eugene, Madison Abel, and Albert Leo Sullivan,  
 8 formerly of Waterloo, Iowa, joined the United States  
 9 Navy January 3, 1942; and  
 10 WHEREAS, the five brothers were permitted by the  
 11 Navy to serve together on the light cruiser USS

12 Juneau; and  
13 WHEREAS, all five brothers, along with over 700  
14 other men, were lost at sea during the Battle of  
15 Guadalcanal, when the USS Juneau was struck by an  
16 enemy torpedo on November 13, 1942; and  
17 WHEREAS, the loss of these five brothers was the  
18 largest loss suffered by one family in a single  
19 engagement during World War II; and  
20 WHEREAS, Thomas and Alleta Able Sullivan and their  
21 daughter Genevieve Sullivan Davidson set aside their  
22 private grief and devoted over a year of patriotic  
23 duty to the recruiting efforts of the United States  
24 Navy; and  
25 WHEREAS, the United States Navy has named two ships  
26 in honor of the Sullivan brothers; and  
27 WHEREAS, the Grout Museum of History and Science is  
28 in possession of tangible artifacts and archival  
29 material belonging to and related to the Sullivan  
30 brothers; and

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1 WHEREAS, the Fighting Sullivans from Waterloo,  
2 Iowa, are known throughout the world, and exemplify  
3 the ideals of self-sacrifice and patriotism; NOW  
4 THEREFORE,  
5 BE IT RESOLVED BY THE SENATE, That the Grout Museum  
6 of History and Science of Waterloo, Iowa, is  
7 recognized as the official repository of all tangible  
8 artifacts and archival material relating to the  
9 Sullivan brothers.

**SENATE RESOLUTION 17:** filed March 1, 2001; adopted by the  
Senate on March 29, 2001.

1 SENATE RESOLUTION 17  
2 By: King  
3 A Senate resolution honoring Jacklyn Murray for achieving the  
4 2001 Prudential Spirit of Community Award.  
5 WHEREAS, Jacklyn Murray, an esteemed resident of  
6 Onawa, and a student at West Monona Community High  
7 School, has achieved national recognition for  
8 exemplary volunteer service by receiving a 2001  
9 Prudential Spirit of Community Award; and  
10 WHEREAS, this prestigious award, presented by The  
11 Prudential Insurance Company of America in partnership  
12 with the National Association of Secondary School  
13 Principals, honors young volunteers across America who  
14 have demonstrated an extraordinary commitment to  
15 serving their communities; and  
16 WHEREAS, Ms. Murray earned this award by giving

17 generously of her time and energy by designing and  
 18 cochairing a project to improve two city parks,  
 19 raising \$83,000 to fund the project by recruiting  
 20 local teens to help with fund-raising, coordinating  
 21 the fund-raisers and donations from area businesses,  
 22 and soliciting and receiving numerous grants from  
 23 national organizations; and  
 24 WHEREAS, as a recipient of these awards, Ms. Murray  
 25 will receive a monetary award, an engraved medallion,  
 26 and an all-expense paid trip to Washington, D.C., in  
 27 May 2001, where she will join other states' nominees  
 28 for national recognition events, and the opportunity  
 29 to be named among America's top ten youth volunteers  
 30 of the year; and

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1 WHEREAS, the success of the state of Iowa, the  
 2 strength of our communities, and the overall vitality  
 3 of American society depend, in great measure, upon the  
 4 dedication of young people like Ms. Murray, who use  
 5 their considerable talents and resources to serve  
 6 others; NOW THEREFORE,  
 7 BE IT RESOLVED BY THE SENATE, That the Senate  
 8 hereby congratulates and honors Ms. Murray, as  
 9 recipient of a Prudential Spirit of Community Award,  
 10 recognizes her outstanding record of volunteer  
 11 service, peer leadership, and community spirit, and  
 12 extends best wishes for her continued success and  
 13 happiness.  
 14 BE IT FURTHER RESOLVED, That, after adoption, the  
 15 Secretary of the Senate shall send a copy of this  
 16 Resolution to Ms. Murray.

**SENATE RESOLUTION 18:** filed from the floor; adopted by the  
 Senate on March 6, 2001.

1 SENATE RESOLUTION 18  
 2 By: Iverson, Kramer, Boettger, and Veenstra  
 3 A Senate resolution declaring March 6, 2001, Marriage Day.  
 4 WHEREAS, marriage is a universal human institution  
 5 which is a bedrock of our society; and  
 6 WHEREAS, a healthy marriage improves the lives of  
 7 the parties by offering them emotional and financial  
 8 support; and  
 9 WHEREAS, a healthy marriage provides a nurturing  
 10 environment for children; and  
 11 WHEREAS, good marriages and strong families are  
 12 developed through a couple's commitment and hard work;  
 13 and  
 14 WHEREAS, couples are more likely to work toward

15 healthy marriages in a society that recognizes the  
 16 importance of and values marriage; NOW THEREFORE,  
 17 BE IT RESOLVED BY THE SENATE, That March 6, 2001,  
 18 be declared Marriage Day to recognize the importance  
 19 of a healthy marriage.

**SENATE RESOLUTION 21:** filed March 14, 2001; adopted by  
 the Senate on March 19, 2001.

1                                   SENATE RESOLUTION 21  
 2 By: Redfern, Harper, Kramer, Iverson, and Gronstal  
 3 A Senate resolution honoring and commemorating the one hundred  
 4 twenty-fifth anniversary of the University of Northern  
 5 Iowa.  
 6 WHEREAS, the University of Northern Iowa was  
 7 founded in 1876 in Cedar Falls, as the Iowa State  
 8 Normal School; and  
 9 WHEREAS, the name was changed in 1909 to the Iowa  
 10 State Teachers College, in 1961 to the State College  
 11 of Iowa, and in 1967 to the University of Northern  
 12 Iowa; and  
 13 WHEREAS, the University has, since 1876,  
 14 steadfastly put "Students First," demonstrated service  
 15 to Iowa, provided high-quality education and programs  
 16 that enhance Iowa's future, and made a commitment to  
 17 great learning and great teaching; and  
 18 WHEREAS, the University of Northern Iowa has  
 19 prepared generations of teachers to instruct  
 20 generations of Iowa students; and  
 21 WHEREAS, the enrollment of the University has  
 22 increased from 27 students to nearly 14,000 students,  
 23 and the campus has expanded from 40 acres to more than  
 24 900 acres; and  
 25 WHEREAS, the University of Northern Iowa is home to  
 26 stellar academic programs and colleges that are  
 27 consistently recognized and highly ranked by national  
 28 publications; and  
 29 WHEREAS, the University of Northern Iowa's  
 30 adherence to high-quality instruction and classroom

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1 experiences reflect the state of Iowa's time-honored  
 2 commitment to educational excellence; and  
 3 WHEREAS, the State of Iowa takes great pride in the  
 4 expertise, resources, and opportunities provided by  
 5 the University of Northern Iowa; NOW THEREFORE,  
 6 BE IT RESOLVED BY THE SENATE, That the Senate  
 7 recognizes the University of Northern Iowa for its  
 8 dedication to the state in general and its students in  
 9 particular, and extends congratulations to the

10 University of Northern Iowa on 125 years of dedicated  
 11 service.  
 12 BE IT FURTHER RESOLVED, That an official copy of  
 13 this Resolution be prepared and presented to the  
 14 president of the University of Northern Iowa and  
 15 representatives of the student body.

**SENATE RESOLUTION 23:** filed March 15, 2001; adopted by  
 the Senate on April 17, 2001.

1                               SENATE RESOLUTION 23  
 2 By: Veenstra, Behn, Schuerer, Johnson, Greiner,  
 3 Redwine, Gaskill, Zieman, Rehberg, McKinley,  
 4 and Boettger  
 5 A Senate resolution designating May 3, 2001, as statewide  
 6 Prayer Day.  
 7 WHEREAS, a "Prayer Day" was first proclaimed by the  
 8 Continental Congress in 1775; and  
 9 WHEREAS, it is fitting that we in the state of Iowa  
 10 observe a day when we acknowledge our many blessings  
 11 and express gratitude to God while recognizing the  
 12 need to strengthen the religious and moral values in  
 13 our land; and  
 14 WHEREAS, the national association for prayer  
 15 promotes a statewide "Prayer Day" in Iowa to bring  
 16 peace, unity, and healing to our people; and  
 17 WHEREAS, a number of states across America will  
 18 recognize the power of prayer by participating in  
 19 bringing people together to pray for our schools,  
 20 cities, states, and nation; and  
 21 WHEREAS, students at all levels of education should  
 22 be encouraged to begin their school day with the  
 23 pledge of allegiance, to begin the school day on a  
 24 positive note and reintroduce a worthy patriotic  
 25 program forgotten by many, and instill some  
 26 traditional values and morals, which are much needed  
 27 in this society; NOW THEREFORE,  
 28 BE IT RESOLVED BY THE SENATE, That May 3, 2001, be  
 29 designated as "Iowa Prayer Day" and all citizens are  
 30 urged to reflect on the role of prayer as a

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1 fundamental part of the nation's heritage and that, in  
 2 seeking divine guidance, there is unifying power for  
 3 citizens from a diverse number of religious  
 4 backgrounds.

**SENATE RESOLUTION 29:** filed March 27, 2001; adopted by the Senate on April 17, 2001.

1                               SENATE RESOLUTION 29

2    By: King  
3    A Senate resolution relating to a nonsubstantive redrafting  
4    of Iowa's campaign finance laws.  
5    WHEREAS, the administration of the state's campaign  
6    finance laws by state and local government could be  
7    aided by a nonsubstantive redrafting of Iowa Code  
8    chapter 56; and  
9    WHEREAS, the public understanding and appreciation  
10   of Iowa's campaign finance laws could also be aided by  
11   such a nonsubstantive redrafting of Iowa Code chapter  
12   56; NOW THEREFORE,  
13   BE IT RESOLVED BY THE SENATE, That the Legal  
14   Counsel of the Iowa Ethics and Campaign Disclosure  
15   Board, due to the Legal Counsel's familiarity and  
16   expertise relating to both substantive and  
17   nonsubstantive issues relating to Iowa's campaign  
18   finance law as contained in Code chapter 56, is  
19   requested to undertake a nonsubstantive redrafting of  
20   the Code chapter for presentation to the appropriate  
21   committees of the Iowa General Assembly prior to the  
22   convening of the 2002 Regular Session.  
23   BE IT FURTHER RESOLVED, That, upon passage, a copy  
24   of this Resolution be mailed to W. Charles Smithson,  
25   Legal Counsel, Iowa Ethics and Campaign Disclosure  
26   Board.

**SENATE RESOLUTION 31:** filed March 29, 2001; adopted by the Senate on April 9, 2001.

1                               SENATE RESOLUTION 31

2    By: Veenstra  
3    (COMPANION TO LSB 3535HH BY ALONS)  
4    A Senate resolution congratulating the Men's and Women's  
5    Basketball Teams of Northwestern College of Orange  
6    City.  
7    WHEREAS, the Northwestern College Raiders Women's  
8    basketball team racked up a season of 32 wins and four  
9    losses, and were seeded second in the National  
10   Association of Intercollegiate Athletes (NAIA)  
11   Division II National Championship Tournament; and  
12   WHEREAS, the Northwestern College Raiders men's  
13   basketball team finished the year with a record of 29  
14   wins and six losses, and were seeded seventh in the  
15   NAIA Division II National Championship Tournament; and  
16   WHEREAS, on March 14, 2001, both teams bested  
17   opponents to win the NAIA Division II titles, with the  
18   Raiders women defeating eighth-seeded Albertson of

19 Idaho, 77-50, and the Raiders men defeating 12th-  
 20 seeded MidAmerican Nazarene of Kansas, 82-78; and  
 21 WHEREAS, both Raiders head coaches received awards,  
 22 with Coach Earl Woudstra being voted Women's National  
 23 Coach of the Year and Coach Kris Korver being voted  
 24 Men's National Coach of the Year; and  
 25 WHEREAS, Raiders women brought home the awards for  
 26 Women's National Player of the Year and National  
 27 Tournament Most Valuable Player in Rachel Binneboese,  
 28 who was also voted the All-American Scholar-Athlete  
 29 for the second year in a row; three Raiders women made  
 30 the All-Tourney Team: Jennifer Recker, Jaime Woudstra,

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1 and Sara Friedrichsen; and Jennifer Recker won the  
 2 National Tournament Hustle Award for the second year  
 3 in a row; and  
 4 WHEREAS, Raiders men brought home awards for the  
 5 National Tournament Most Valuable Player in Brandon  
 6 Woudstra, and three men made the All-Tourney Team:  
 7 Ben Gerleman, Brandon Jacobson, and Lance Reinke; NOW  
 8 THEREFORE,  
 9 BE IT RESOLVED BY THE SENATE, That the Senate  
 10 congratulates the Northwestern College Raiders Women's  
 11 Basketball Team and the Northwestern College Raiders  
 12 Men's Basketball Team, their coaches, Earl Woudstra  
 13 and Kris Korver, and their coaching staffs, on their  
 14 superlative seasons, thanks them for the honor and  
 15 excitement they brought to the State of Iowa, and  
 16 wishes them the very best in the future.

**SENATE RESOLUTION 32:** filed March 29, 2001; adopted by  
 the Senate on April 19, 2001.

1 SENATE RESOLUTION 32  
 2 By: McKibben and Black  
 3 A Senate resolution congratulating Maytag Corporation on being  
 4 named an Energy Star Partner of the Year.  
 5 WHEREAS, Energy Star is a voluntary partnership  
 6 between the United States Environmental Protection  
 7 Agency and the United States Department of Energy with  
 8 businesses and organizations nationwide, that helps  
 9 consumers to identify the most energy-efficient  
 10 products via Energy Star labeling; and  
 11 WHEREAS, 32 percent of Maytag's products, including  
 12 clothes washers, refrigerators, and dishwashers, are  
 13 Energy Star-rated, double the average for the United  
 14 States appliance industry; and  
 15 WHEREAS, Maytag provided promotional materials to  
 16 retailers, conducted advertising campaigns to

17 highlight the energy efficiency of its products,  
 18 cosponsored a study with the United States Department  
 19 of Energy that demonstrates energy and water savings,  
 20 and launched a five-city concert series promoting  
 21 energy efficiency; and  
 22 WHEREAS, over 600 home appliance centers in  
 23 Maytag's retail network signed on as Energy Star  
 24 retail partners, and Maytag's mobile marketing trucks  
 25 advertise the Energy Star message to consumers  
 26 throughout the year; and  
 27 WHEREAS, Maytag Corporation received the award from  
 28 Environmental Protection Agency Administrator  
 29 Christine Todd Whitman at a special ceremony in  
 30 Washington, D.C., on March 20, 2001; and

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1 WHEREAS, Iowa citizens are justly proud of the  
 2 Maytag Corporation and its efforts to produce energy-  
 3 efficient and environmentally safe products, and are  
 4 pleased with the planned expansion of the Newton  
 5 facility to expand production capacity for the energy-  
 6 efficient Neptune and Atlantis washers and dryers, and  
 7 the product laboratories; NOW THEREFORE,  
 8 BE IT RESOLVED BY THE SENATE, That the Maytag  
 9 Corporation be congratulated for achieving an Energy  
 10 Star Partner of the Year Award, and for its continuing  
 11 dedication to the production of innovative and energy-  
 12 efficient home and commercial appliances.  
 13 BE IT FURTHER RESOLVED, That, upon adoption, the  
 14 Secretary of the Senate shall send a copy of this  
 15 Resolution to the Maytag Corporation at its corporate  
 16 headquarters in Newton, Iowa.

**SENATE RESOLUTION 34:** filed April 4, 2001; adopted by the  
 Senate on April 12, 2001.

1 SENATE RESOLUTION 34  
 2 By: Kramer, McKinley, McKibben, Sexton, Jensen,  
 3 Rittmer, Angelo, Gaskill, Dvorsky, Shearer,  
 4 Fiegen, Bartz, McLaren, Schuerer, Freeman, Lundby,  
 5 Bolkom, Horn, Kibbie, Connolly, Tinsman, Greiner,  
 6 Behn, Drake, Zieman, Dearden, Holveck, Flynn, Soukup,  
 7 King, Rehberg, Boettger, Lamberti, Hansen, Redfern,  
 8 Johnson, Veenstra, Hammond, Fraise, Iverson, Miller,  
 9 McKean, Redwine, Maddox, Deluhery, Fink, Harper,  
 10 Gronstal, Black, and McCoy  
 11 A Senate resolution honoring the University of Iowa Women's  
 12 Basketball Team and Coach Lisa Bluder.  
 13 WHEREAS, the citizens of Iowa are greatly pleased  
 14 that the University of Iowa Hawkeyes Women's

15 Basketball Team captured its second Big Ten Tournament  
 16 title with a 75-70 upset victory over Purdue  
 17 University, ranked as the No. 8 team in the nation at  
 18 that time; and  
 19 WHEREAS, the Hawkeyes women were successful in the  
 20 National Collegiate Athletic Association first round,  
 21 defeating the University of Oregon, but lost to the  
 22 University of Utah in the second round; and  
 23 WHEREAS, the Hawkeyes received several athletic  
 24 awards this season, including the Big Ten Tournament's  
 25 Most Outstanding Player, and placed two members on the  
 26 All-Tournament Team; and  
 27 WHEREAS, the Hawkeyes also received academic  
 28 awards, with one member being named to the 2001  
 29 Verizon First-Team Academic All-American Women's  
 30 Basketball Team, the first-ever Iowa women's

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1 basketball student-athlete to achieve this honor, and  
 2 with another member being awarded a scholarship from  
 3 the Women's Basketball Coaches Association; and  
 4 WHEREAS, the University of Iowa Women's Basketball  
 5 Head Coach Lisa Bluder and the coaching staff  
 6 encouraged, directed, and inspired the team to  
 7 success; NOW THEREFORE,  
 8 BE IT RESOLVED BY THE SENATE, That the Senate  
 9 congratulates the University of Iowa Women's  
 10 Basketball Team, Coach Lisa Bluder, and the coaching  
 11 staff, on their successful season and thanks them for  
 12 the honor and excitement they brought to the State of  
 13 Iowa.  
 14 BE IT FURTHER RESOLVED, That, upon adoption, the  
 15 Secretary of the Senate shall prepare a copy of this  
 16 Resolution for presentation to Coach Lisa Bluder and  
 17 the University of Iowa Women's Basketball Team.

**SENATE RESOLUTION 35:** filed April 10, 2001; adopted by the  
 Senate on April 19, 2001.

1 SENATE RESOLUTION 35  
 2 By: King  
 3 (COMPANION TO LSB 3595HH BY TYMESON)  
 4 A Senate resolution recognizing Task Force Charlie of the Iowa  
 5 Army National Guard for its dedication and outstanding  
 6 performance of duty.  
 7 WHEREAS, 122 soldiers from Company C, First  
 8 Battalion, 168th Infantry (Task Force Charlie), were  
 9 selected to perform a vital security mission in Kuwait  
 10 from January 16, 2001, to June 30, 2001; and  
 11 WHEREAS, Task Force Charlie includes troops from

12 Denison and western Iowa; and  
 13 WHEREAS, throughout their mobilization, deployment,  
 14 and demobilization, the members of Task Force Charlie  
 15 continually demonstrated professionalism, dedication,  
 16 and skill of the highest level; and  
 17 WHEREAS, the members of Task Force Charlie, in  
 18 their active duty abroad, were separated from home and  
 19 family relationships and obligations, and missed  
 20 special family occasions as they fulfilled their  
 21 assignment; and  
 22 WHEREAS, the actions of Task Force Charlie reflect  
 23 great credit upon all citizen soldiers of the Iowa  
 24 National Guard and the people of the State of Iowa;  
 25 and  
 26 WHEREAS, the people of the State of Iowa take great  
 27 pride in the professionalism of the members of Task  
 28 Force Charlie; NOW THEREFORE,  
 29 BE IT RESOLVED BY THE SENATE, That the Senate  
 30 recognizes the members of Task Force Charlie for their

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1 dedication and outstanding performance of duty, and  
 2 that the Senate expresses its appreciation to the  
 3 families of the members of Task Force Charlie.  
 4 BE IT FURTHER RESOLVED, That a copy of this  
 5 Resolution be presented to the Iowa Army National  
 6 Guard Commander of the First Battalion, 168th  
 7 Infantry; to the members of the First Battalion, 168th  
 8 Infantry; and to all the members of Task Force  
 9 Charlie.

**SENATE RESOLUTION 36:** filed from the floor; adopted by the Senate on April 12, 2001.

1 SENATE RESOLUTION 36  
 2 By: Redfern and Harper  
 3 A Senate resolution congratulating the University of Northern  
 4 Iowa Panthers Women's Basketball Team.  
 5 WHEREAS, the University of Northern Iowa Panthers  
 6 Women's Basketball Team finished the season with a  
 7 record of 18 wins and 11 losses, finishing the season  
 8 with a winning record for the fourth consecutive  
 9 season; and  
 10 WHEREAS, the citizens of Iowa are greatly pleased  
 11 and justly proud that the University of Northern Iowa  
 12 Panthers Women's Basketball Team received its first-  
 13 ever postseason bid to play as the number three seed  
 14 in the Women's National Invitational Tournament; and  
 15 WHEREAS, the Panthers received athletic honors both  
 16 during the regular season and post-season, including

17 having two players named to the 2001 All-Missouri  
 18 Valley Conference Women's Basketball Team, one player  
 19 to the All-Freshman Team, and one player to the All-  
 20 Defensive Team; and  
 21 WHEREAS, the Panthers also had three team members  
 22 named to the 2001 Missouri Valley Conference Scholar-  
 23 Athlete Team, and the team achieved an average  
 24 cumulative grade-point average (GPA) of 3.35,  
 25 including three members who achieved a perfect 4.0  
 26 GPA; and  
 27 WHEREAS, the University of Northern Iowa Women's  
 28 Basketball Team consistently thrilled spectators and  
 29 ranked third in the Missouri Valley Conference for  
 30 attendance, and broke a school single-season

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1 attendance mark at home games; and  
 2 WHEREAS, Panthers Head Coach Tony DiCecco, in his  
 3 sixth year at the University of Northern Iowa, is the  
 4 winningest coach in the Panthers' 32 completed seasons  
 5 of women's basketball, and with the assistance of the  
 6 coaching staff, directed and inspired the Panthers  
 7 Women's Basketball Team to new levels of success; NOW  
 8 THEREFORE,  
 9 BE IT RESOLVED BY THE SENATE, That the Senate  
 10 congratulates the University of Northern Iowa Panthers  
 11 Women's Basketball Team, Head Coach Tony DiCecco, and  
 12 the coaching staff on their successful season, thanks  
 13 them for the honor and excitement they brought to the  
 14 State of Iowa, and wishes them the very best in the  
 15 future.  
 16 BE IT FURTHER RESOLVED, That, upon adoption, the  
 17 Secretary of the Senate shall prepare a copy of this  
 18 Resolution for presentation to Coach Tony DiCecco and  
 19 the University of Northern Iowa Panthers Women's  
 20 Basketball Team.

**SENATE RESOLUTION 37:** filed from the floor; adopted by the Senate on April 12, 2001.

1 SENATE RESOLUTION 37  
 2 By: Committee on Rules and Administration  
 3 A Senate resolution deferring action on the confirmation of an  
 4 appointment submitted by the Governor.  
 5 BE IT RESOLVED BY THE SENATE, That the Senate  
 6 defers consideration of the following appointment  
 7 submitted by the Governor under the provisions of  
 8 section 2.32, subsection 3:  
 9 Director of the Information  
 10 Technology Department

Richard J. Varn

11 (Term beginning April 26, 2000, and ending at the  
12 pleasure of the Governor)

**SENATE RESOLUTION 38:** filed from the floor; adopted by the Senate on April 12, 2001.

1                               SENATE RESOLUTION 38  
2 By: Committee on Rules and Administration  
3 A Senate resolution deferring action on the confirmation of an  
4 appointment submitted by the Governor.  
5 **BE IT RESOLVED BY THE SENATE,** That the Senate  
6 defers consideration of the following appointment  
7 submitted by the Governor under the provisions of  
8 section 2.32, subsection 3:  
9 Director of the Department of  
10 Natural Resources                               Jeffrey R. Vonk  
11 (Term beginning March 14, 2001, and ending at the  
12 pleasure of the Governor)

**SENATE RESOLUTION 40:** filed from the floor; adopted by the Senate on April 20, 2001. Printed on Senate Journal page 1231.

**SENATE RESOLUTION 41:** filed April 20, 2001; adopted by the Senate on April 24, 2001.

1                               SENATE RESOLUTION 41  
2 By: Fink, McLaren, Hammond, Behn, McKinley, Greiner,  
3 Rittmer, Jensen, Veenstra, Redfern, McKean, Angelo,  
4 Bartz, Freeman, Boettger, Johnson, Schuerer, Zieman,  
5 Rehberg, Gaskill, Dearden, Miller, McCoy, Bolkcom,  
6 Fiegen, Horn, Connolly, Kibbie, Gronstal, Holveck,  
7 Iverson, Lamberti, Kramer, Flynn, Hansen, Black,  
8 Shearer, Harper, McKibben, Soukup, and Deluhery  
9 A Senate resolution recognizing Iowa State University  
10 graduates Marcus Fizer and Fred Hoiberg for serving as  
11 "Literacy Champions".  
12 WHEREAS, Fred Hoiberg was an outstanding basketball  
13 player during his college career at Iowa State  
14 University, and currently plays for the National  
15 Basketball Association's Chicago Bulls; and  
16 WHEREAS, Marcus Fizer was an outstanding basketball  
17 player during his college career at Iowa State  
18 University, and currently plays for the National  
19 Basketball Association's Chicago Bulls; and  
20 WHEREAS, as successful athletes with personable  
21 demeanors, these men have inspired the admiration of  
22 many young Iowans, serving as role models, and setting  
23 examples by their conduct in both athletic endeavors  
24 and in their personal lives; and  
25 WHEREAS, both Fred Hoiberg and Marcus Fizer have

26 agreed to serve as "Literacy Champions," assisting in  
 27 the promotion of "Iowa Stories 2000"; and  
 28 WHEREAS, the former Iowa State University  
 29 basketball players will appear in a literacy poster  
 30 and take part in several special literacy events

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1 across Iowa; and  
 2 WHEREAS, in promoting literacy, Fred Hoiberg and  
 3 Marcus Fizer continue to live up to the expectations  
 4 of and set great examples for their young fans; NOW  
 5 THEREFORE,  
 6 BE IT RESOLVED BY THE SENATE, That Marcus Fizer and  
 7 Fred Hoiberg are recognized and congratulated on their  
 8 participation as "Literacy Champions" in the "Iowa  
 9 Stories 2000" campaign, and their commitment to the  
 10 continuing improvement of the young people of Iowa.

**SENATE RESOLUTION 43:** filed April 25, 2001; adopted by the  
 Senate on May 8, 2001.

1 SENATE RESOLUTION 43  
 2 By: Horn  
 3 A Senate resolution urging the Iowa Department of Education's  
 4 program, Regional Autism Services program, to continue  
 5 compiling and maintaining yearly records regarding  
 6 individuals with autism and related disorders.  
 7 WHEREAS, autism is a developmental disorder that  
 8 typically affects a person's ability to communicate,  
 9 form relationships with others, and respond  
 10 appropriately to the environment; and  
 11 WHEREAS, some people with autism are relatively  
 12 high-functioning, with communicative speech and  
 13 intelligence a strength for a small percentage; others  
 14 may be nonverbal, and have cognitive delays ranging  
 15 from mild to severe; all appear to have difficulties  
 16 with social interaction to some degree and often  
 17 exhibit a narrow repertoire of interests and  
 18 abilities, showing repetitive behaviors and rigid  
 19 patterns of thinking that interfere with learning; and  
 20 WHEREAS, the medical diagnosis of autism is made  
 21 when a specified number of characteristics listed in  
 22 the DSM-IV or ICD-9 diagnostic tools, are present, in  
 23 ranges perhaps similar to significantly below the  
 24 child's age, and diagnosis usually occurs between the  
 25 ages three and five; and  
 26 WHEREAS, there are other pervasive developmental  
 27 disabilities, including Rett's Disorder, Childhood  
 28 Disintegrative Disorder, Asperger's Disorder, and

29 Pervasive Developmental Disorder Not Otherwise  
30 Specified, each category of symptoms creating an

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1 individualized set of social, learning, and behavioral  
2 differences; and  
3 WHEREAS, while there are no known specific causes  
4 of these pervasive developmental disorders, some  
5 research suggests that causes might include physical  
6 problems affecting those parts of the brain that  
7 process language and information received through the  
8 senses, imbalances of certain chemicals in the brain,  
9 and genetic factors; and  
10 WHEREAS, autism may also result from a combination  
11 of several causes, but factors in the psychological  
12 environment of the child do not cause autism; and  
13 WHEREAS, autism and associated disorders affect as  
14 many as one in 500 individuals, according to the  
15 United States Centers for Disease Control and  
16 Prevention as of 1997; and  
17 WHEREAS, autism is four times more prevalent in  
18 boys than girls and knows no racial, ethnic, or social  
19 boundaries, and family income, lifestyle, and  
20 educational levels do not affect the chance of  
21 autism's occurrence; and  
22 WHEREAS, the autism prognosis is variable from  
23 independent to various levels of supported living and  
24 work, and may be compromised by associated conditions  
25 including seizure disorder, mental retardation, Down's  
26 Syndrome, or genetic disorders such as Fragile X  
27 Syndrome, Landau-Kleffner Syndrome, William's  
28 Syndrome, or Tourette's Syndrome; and  
29 WHEREAS, caring for and educating children and  
30 adults with autism and related disorders often require

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1 a considerable dedication of emotional and financial  
2 resources by parents, caretakers, schools, community  
3 providers, or community organizations; and  
4 WHEREAS, the bipartisan Congressional Coalition for  
5 Autism Research and Education (C.A.R.E.) has been  
6 formed with the goal of increasing autism awareness,  
7 educating lawmakers and policymakers, providing a  
8 forum in which autism issues can be debated and  
9 discussed, and expanding federal research into autism  
10 spectrum disorders; and  
11 WHEREAS, to ensure that planning for the welfare  
12 and development of persons with autism and related  
13 disorders is more meaningful, need exists for the  
14 Regional Autism Services program, a program supported

15 by school laws of Iowa through the Iowa Department of  
 16 Education to continue to collect data on the estimated  
 17 overall number of individuals with autism spectrum  
 18 disorders in the educational arena, supported by  
 19 Medicare Part B and Part C services; NOW THEREFORE,  
 20 BE IT RESOLVED BY THE SENATE, That the members of  
 21 Iowa's congressional delegation to the United States  
 22 House of Representatives are encouraged to become a  
 23 part of the Coalition for Autism Research and  
 24 Education.  
 25 BE IT FURTHER RESOLVED, That upon adoption, the  
 26 Secretary of the Senate shall send a copy of this  
 27 Resolution to Representatives Leonard L. Boswell, Greg  
 28 Ganske, Tom Latham, Jim Leach, and Jim Nussle.

**SENATE RESOLUTION 44:** filed April 26, 2001; adopted by the Senate on May 8, 2001.

1                                   SENATE RESOLUTION 44  
 2 By: Hansen, King, Redwine, Kibbie, and Veenstra  
 3 A Senate resolution recognizing Don "Skip" Meisner upon his  
 4 retirement.  
 5 WHEREAS, Don "Skip" Meisner graduated from South  
 6 Sioux City High School and received his Bachelor of  
 7 Science Degree from Morningside College and his  
 8 Master's Degree from the University of South Dakota,  
 9 and graduated from the Northwestern University Traffic  
 10 Engineering Institute, and had training in  
 11 cryptography from the United States Army Signal Corps,  
 12 and in housing development finance from the national  
 13 Development Council; and  
 14 WHEREAS, Skip Meisner served his country in the  
 15 Armed Forces, then returned to the City of Sioux City  
 16 Traffic Engineering and Planning Departments; and  
 17 WHEREAS, Skip Meisner became the Executive Director  
 18 of the Siouxland Interstate Metropolitan Planning  
 19 Council (SIMPCO) in 1966, and has served in that  
 20 position for 36 years; and  
 21 WHEREAS, during his tenure as Executive Director of  
 22 SIMPCO, Skip has worked tirelessly to help the tri-  
 23 state region meet the area's needs relating to flood  
 24 control, housing, bridge construction, and education,  
 25 and has worked on aging issues and legislative issues;  
 26 and  
 27 WHEREAS, Skip Meisner also served on the Board of  
 28 Directors for the Sioux City Community School District  
 29 from 1978 to 1986, and chaired the Advisory Commission  
 30 on Intergovernmental Relations from 1990 to 1995, and

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1 served on the Iowa Blue Ribbon Transportation Task  
 2 Force from 1980 to 1982; and  
 3 WHEREAS, the communities and individuals who have  
 4 been impacted by Skip's vision, dedication, and  
 5 leadership are truly grateful and appreciative; and  
 6 WHEREAS, as Skip Meisner retires, it is fitting  
 7 that he be recognized for his many years of valuable  
 8 service; NOW THEREFORE,  
 9 BE IT RESOLVED BY THE SENATE, That the Senate  
 10 recognizes Don "Skip" Meisner upon his retirement, and  
 11 congratulates him for a job well done.  
 12 BE IT FURTHER RESOLVED, That, upon adoption, the  
 13 Secretary of the Senate shall prepare a copy of this  
 14 Resolution for presentation to Skip Meisner.

**SENATE RESOLUTION 45:** filed April 26, 2001; adopted by the Senate on May 3, 2001.

1 SENATE RESOLUTION 45  
 2 By: Kramer, Lundby, Maddox, Tinsman, Iverson, Holveck,  
 3 Dearden, Bolkcom, Harper, Fiegen, Dvorsky, Deluhery,  
 4 Horn, Fink, Hammond, and Shearer  
 5 A Senate resolution designating June 16, 2001, as Juneteenth  
 6 National Freedom Day.  
 7 WHEREAS, the third Saturday in June is celebrated  
 8 as National Freedom Day and is also known as  
 9 Emancipation Day; and  
 10 WHEREAS, Juneteenth National Freedom Day is the  
 11 oldest known African-American celebration of the end  
 12 of slavery in the United States and occurred on or  
 13 about June nineteenth; and  
 14 WHEREAS, Juneteenth National Freedom Day celebrates  
 15 the meaning and importance of the Emancipation  
 16 Proclamation, which ended slavery in the United  
 17 States; and  
 18 WHEREAS, spontaneous celebrations erupted  
 19 throughout the United States when African-Americans  
 20 learned that they were free; and  
 21 WHEREAS, all citizens of Iowa are encouraged to  
 22 observe the day in a manner that emphasizes the  
 23 meaning and importance of the Emancipation  
 24 Proclamation; NOW THEREFORE,  
 25 BE IT RESOLVED BY THE SENATE, That the third  
 26 Saturday in June, June 16, 2001, is designated  
 27 Juneteenth National Freedom Day.  
 28 BE IT FURTHER RESOLVED, That the Senate encourages  
 29 the citizens of Iowa to recognize and celebrate the  
 30 importance of this day to every person who cherishes

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1 liberty and equality for all people.

**SENATE RESOLUTION 46:** filed May 2, 2001; adopted by the Senate on May 3, 2001.

1 SENATE RESOLUTION 46

2 By: Johnson

3 A Senate resolution supporting a women's health care platform  
4 that recognizes and calls for the elimination of  
5 inequities in the health prevention and treatment of  
6 women in Iowa.

7 WHEREAS, women are metabolically, hormonally, and  
8 physiologically unique, and have different patterns of  
9 health and disease than do men, and some diseases are  
10 more common in women than in men; and

11 WHEREAS, women are more likely to suffer from  
12 chronic diseases, develop rheumatoid arthritis, and  
13 suffer from depression than are men; and

14 WHEREAS, women are less often referred for  
15 diagnostic tests and less often treated for heart  
16 disease as compared to men; and

17 WHEREAS, women outnumber men three to one in long-  
18 term care facilities; and

19 WHEREAS, women are much more likely to provide  
20 health care to family members and to make health care  
21 decisions and spend two of every three health care  
22 dollars; and

23 WHEREAS, there is evidence that women are medically  
24 undertreated compared to men, and are underrepresented  
25 in health studies; and

26 WHEREAS, while there has been some national  
27 attention given to women's health care issues, and  
28 some legislative activity by the United States  
29 Congress on women's health care access issues, there  
30 remains little change in vitally important preventive

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1 health care and treatment issues related to women; and

2 WHEREAS, the state of Iowa needs to work toward  
3 providing women with equal access to quality health  
4 care, by providing women with state-of-the-art medical  
5 advances and technology, and timely diagnosis and  
6 treatment programs; by increasing the number of women  
7 covered by comprehensive health care insurance; by  
8 encouraging unimpeded access to women's specialty  
9 health providers; and by providing improved

10 communications between health care providers and women  
11 patients; and

12 WHEREAS, Iowa can support women's health issues by  
 13 continuing to expand state screening programs targeted  
 14 at lower-income women to include a full range of known  
 15 risk factors; increasing government private research  
 16 on women's health issues; expanding medical and  
 17 nursing school curricula in the areas of women's  
 18 health and educating care providers about gender  
 19 biology; supporting public education campaigns to  
 20 increase women's awareness about their unique health  
 21 risks and how to obtain the best care available; and  
 22 conducting public health campaigns via state and local  
 23 departments of public health with private-sector  
 24 partners to focus on key women's preventive health  
 25 issues; and  
 26 WHEREAS, in a recent survey of voters, almost 80  
 27 percent of women and 60 percent of men favored a  
 28 women's health care platform that supports relevant  
 29 health care, research, and education for women; and  
 30 WHEREAS, nine out of 10 men and women agree that

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1 women have the right to quality health care treatment  
 2 and access to the latest technologies and appropriate  
 3 diagnostic tests; NOW THEREFORE,  
 4 BE IT RESOLVED BY THE SENATE, That the Senate urges  
 5 the state agencies, regents institutions, recipients  
 6 of state grants or funding, and the private sector to  
 7 take appropriate action to achieve improved and equal  
 8 access for women to quality health care.  
 9 BE IT FURTHER RESOLVED, That the Senate commends  
 10 the organization, Women in Government, for its  
 11 leadership and enterprise in bringing to the forefront  
 12 the urgent need, and proposing meaningful steps that  
 13 can be taken, to attain access for women to quality  
 14 health care and medical technologies, and to educate  
 15 researchers about gender differences.

**SENATE RESOLUTION 47:** filed May 2, 2001; adopted by the  
 Senate on May 3, 2001.

1 SENATE RESOLUTION 47  
 2 By: Holveck, Iverson, Harper, Hammond, Behn, Rehberg,  
 3 Redfern, Kramer, and McKibben  
 4 A Senate resolution recognizing and congratulating Quakerdale  
 5 on 150 years of service.  
 6 WHEREAS, Quakerdale, a nonprofit, social service  
 7 agency, founded by Josiah White in 1851, has  
 8 strengthened the lives of youth and families in Iowa  
 9 for the past 150 years; and  
 10 WHEREAS, Quakerdale is committed to the welfare and

11 quality of life for youth and families for generations  
 12 to come; and  
 13 WHEREAS, Quakerdale is a chartered member of the  
 14 Coalition for Family and Children's Services in Iowa,  
 15 which represents 36 children's and family service  
 16 agencies, and is an advocate for the continuous  
 17 improvement of the quality of life for children and  
 18 families; and  
 19 WHEREAS, Quakerdale provides an array of services  
 20 designed to assist youth, families, and individuals  
 21 who are experiencing crisis or difficulty in their  
 22 lives, including adoption services, assessment  
 23 services, community-based day treatment, crisis  
 24 respite care, counseling services, family foster care,  
 25 independent living assistance, residential treatment,  
 26 school-based programs, and shelter care; and  
 27 WHEREAS, Quakerdale currently has locations in  
 28 Manning, Marshalltown, New Providence, and Waterloo;  
 29 and  
 30 WHEREAS, the year 2001 marks Quakerdale's 150th

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1 anniversary celebration; NOW THEREFORE,  
 2 BE IT RESOLVED BY THE SENATE, That the Senate  
 3 recognizes Quakerdale for its long-term, effective  
 4 leadership, and compassionate services provided to  
 5 children and families in Iowa.  
 6 BE IT FURTHER RESOLVED, That the Senate  
 7 congratulates Quakerdale on the 150th anniversary of  
 8 its founding, and calls upon the citizens of Iowa to  
 9 affirm the work and dedication of Quakerdale.

**SENATE RESOLUTION 48:** filed May 2, 2001; adopted by the  
 Senate on May 3, 2001.

1 SENATE RESOLUTION 48  
 2 By: Drake, Jensen, Dearden, Kibbie, and Horn  
 3 A Senate resolution recognizing the United States Seagoing  
 4 Marine Association, and designating August 2001 as  
 5 United States Seagoing Marines Month.  
 6 WHEREAS, seagoing marines have served aboard ships  
 7 of the United States Navy during the period from 1775  
 8 to 1998; and  
 9 WHEREAS, during the span of 223 years, the seagoing  
 10 marines participated in every naval campaign and  
 11 battle to safeguard the freedom and liberty that all  
 12 Iowans expect and enjoy today; and  
 13 WHEREAS, seagoing marines from every state have  
 14 been stationed on the famous battleship USS Iowa and  
 15 heavy cruiser USS Des Moines, and all the other

16 gallant ships of the United States Navy that have  
 17 served our nation so honorably; and  
 18 WHEREAS, seagoing marines from all over the nation  
 19 are celebrating the first annual fleet review of the  
 20 United States Seagoing Marine Association, an Iowa  
 21 not-for-profit veterans organization, in Davenport,  
 22 Iowa, in August 2001; and  
 23 WHEREAS, it is fitting and proper that the valiant  
 24 efforts of the seagoing marines be recognized and  
 25 celebrated by the citizens of Iowa; NOW THEREFORE,  
 26 BE IT RESOLVED BY THE SENATE, That the Senate  
 27 recognizes the dedicated service of the seagoing  
 28 marines, and declares the month of August 2001 as  
 29 United States Seagoing Marines Month.  
 30 BE IT FURTHER RESOLVED, That, upon adoption, a copy

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- 1 of this Resolution be sent to the United States
- 2 Seagoing Marine Association.

**SENATE RESOLUTION 50:** filed from the floor; adopted by the Senate on May 3, 2001.

1 SENATE RESOLUTION 50  
 2 By: Committee on State Government  
 3 A Senate resolution advising legislative service bureau of the  
 4 reasons for the Senate's rejection of Senate File 540.  
 5 WHEREAS, Joint Rule 24.1 requires that if either  
 6 house rejects a redistricting plan submitted by the  
 7 legislative service bureau that house shall convey the  
 8 reasons for such rejection to the legislative service  
 9 bureau by resolution; NOW THEREFORE,  
 10 BE IT RESOLVED BY THE SENATE, That the Senate  
 11 requests that the next plan drafted by the legislative  
 12 service bureau improve the population deviations to  
 13 more nearly represent the ideal of "one person, one  
 14 vote"; and  
 15 BE IT FURTHER RESOLVED, That Iowa Code section  
 16 42.4(4) entitled "Redistricting Standards" states, "It  
 17 is preferable that districts be compact in form, but  
 18 the standards established by subsections 1, 2 and 3  
 19 take precedence over compactness where a conflict  
 20 arises between compactness and these standards." Iowa  
 21 Code section 42.4(1),(2), and (3) state the preferred  
 22 standards are population equalities, contiguous  
 23 territories, and district boundaries coinciding with  
 24 political subdivisions. Additionally, courts have  
 25 consistently held that lower population deviations  
 26 from the ideal population should take precedence over  
 27 compactness of the districts as defined in the Iowa

28 Code. Therefore, the next plan should more closely  
 29 follow those guidelines; and  
 30 BE IT FURTHER RESOLVED, That the Senate requests a

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1 plan that at a minimum matches, or improves upon, the  
 2 population deviation in our current Congressional and  
 3 legislative districts; and,  
 4 BE IT FURTHER RESOLVED, That in addition, the  
 5 Senate requests the legislative service bureau in the  
 6 next plan, strive to develop Congressional and  
 7 legislative districts that reflect urban and rural  
 8 interests in our state to the extent consistent with  
 9 the Iowa Code. Plan #1 regionalized Iowa at the  
 10 Congressional level. The districts that are included  
 11 in Plan #2 should better reflect the convenient,  
 12 contiguous territory of our state.

**SENATE RESOLUTION 51:** filed from the floor; adopted by the  
 Senate on May 8, 2001.

1 SENATE RESOLUTION 51  
 2 By: Committee on Rules and Administration  
 3 A Senate resolution relating to daily operations of  
 4 the Senate.  
 5 WHEREAS, the legislative authority of this state is  
 6 vested in the General Assembly consisting of the  
 7 Senate and the House of Representatives; and  
 8 WHEREAS, the Senate necessarily incurs substantial  
 9 expenses for its daily operations; and  
 10 WHEREAS, the Senate is authorized to expend funds  
 11 from the state treasury necessary to pay for its  
 12 expenses and for expenses incurred jointly by the  
 13 Senate and House of Representatives; and  
 14 WHEREAS, it is deemed advisable and proper for the  
 15 Senate to make expenditures in accordance with a  
 16 budgetary plan; NOW THEREFORE,  
 17 BE IT RESOLVED BY THE SENATE:  
 18 Section 1. Expenditures of the Senate payable  
 19 pursuant to Iowa Code sections 2.10 through 2.14,  
 20 inclusive, for the regular legislative session and the  
 21 interim period during the fiscal year beginning July  
 22 1, 2001 and ending June 30, 2001, are budgeted to be  
 23 as follows:  
 24 1. Session expenses including members' and  
 25 temporary staff compensation and other current  
 26 expenses in an amount not to exceed \$3,035,026.  
 27 2. Interim expenses including members' and staff  
 28 compensation and other current expenses in an amount

29 not to exceed \$300,000.

30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed  
2 \$2,227,234.

3 4. A special fund for renovation, restoration, and  
4 equipment improvements in the Senate chamber and  
5 adjacent areas to be used with the authorization of  
6 the Committee on Rules and Administration, in an  
7 amount not to exceed \$25,000.

8 5. A special fund for technology and  
9 computerization improvements to be used with the  
10 authorization of the Committee on Rules and  
11 Administration, in an amount not to exceed \$100,000.

12 6. A special Senator Dale L. Tieden fund for an  
13 educational program for the Senate Pages to be used  
14 with the authorization of the Committee on Rules and  
15 Administration, in an amount not to exceed \$1,000.

16 Sec. 2. The Secretary of the Senate shall  
17 immediately provide written notice to the majority and  
18 minority leaders of the Senate and to the Chair and  
19 Ranking Member of the Senate Appropriations Committee  
20 if actual expenditures payable pursuant to Iowa Code  
21 sections 2.10 through 2.14, inclusive, exceed the  
22 maximum amount allocated to any category of the budget  
23 provided by section 1 of this resolution. The written  
24 notice shall specify the amount of and reasons for any  
25 excess expenditure.

26 Sec. 3. The expenditures referred to in section 2  
27 of this resolution shall consist only of those sums  
28 required for payment of the various expenses of the  
29 General Assembly including such items as legislative  
30 printing expenses, unpaid expenses incurred during the

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1 interim between sessions of the General Assembly,  
2 expenditures incurred pursuant to resolutions, and  
3 expenses for purchases of legislative equipment and  
4 supplies necessary to carry out the functions of the  
5 General Assembly. Joint expenditures or special  
6 expenditures approved by the Committee on Rules and  
7 Administration or the Legislative Council are not  
8 included in the budget set forth in this resolution.

9 Sec. 4. If a special session of the General  
10 Assembly is held, the Committee on Rules and  
11 Administration shall provide for consideration of a  
12 budget for the special session.



20 Within the indicated ranges the exact compensation  
 21 shall be set or adjusted for the senate officers by  
 22 the senate rules and administration committee and for  
 23 the house officers by the house administration and  
 24 rules committee. The committees shall report the  
 25 exact compensation assigned to each position on the  
 26 next legislative day, or, if such action is during the  
 27 interim, on the first day the senate or house shall  
 28 convene. Any action by the senate or house to  
 29 disapprove or amend the report shall be effective the  
 30 day after the action.

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1 BE IT FURTHER RESOLVED, That the compensation of  
 2 the employees of the ~~seventy-eighth~~ seventy-ninth  
 3 general assembly is set, effective from ~~January 11,~~  
 4 ~~1999 January 8, 2001,~~ until ~~January 8, 2001~~ January  
 5 13, 2003, in accordance with the following salary  
 6 schedule:

7	<del>#10</del>	<del>#11</del>	<del>#12</del>	<del>#13</del>	<del>#14</del>
8	<del>\$14,851.20</del>	<del>\$15,600.00</del>	<del>\$16,390.40</del>	<del>\$17,180.80</del>	<del>\$18,096.00</del>
9	<del>7.14</del>	<del>7.50</del>	<del>7.88</del>	<del>8.26</del>	<del>8.70</del>
10					
11	<del>#15</del>	<del>#16</del>	<del>#17</del>	<del>#18</del>	<del>#19</del>
12	<del>\$19,073.60</del>	<del>\$20,009.60</del>	<del>\$20,904.00</del>	<del>\$21,923.20</del>	<del>\$22,942.40</del>
13	<del>9.17</del>	<del>9.62</del>	<del>10.05</del>	<del>10.54</del>	<del>11.03</del>
14					
15	<del>#20</del>	<del>#21</del>	<del>#22</del>	<del>#23</del>	<del>#24</del>
16	<del>\$24,128.00</del>	<del>\$25,209.60</del>	<del>\$26,457.60</del>	<del>\$27,768.00</del>	<del>\$29,016.00</del>
17	<del>11.60</del>	<del>12.12</del>	<del>12.72</del>	<del>13.35</del>	<del>13.95</del>
18					
19	<del>#25</del>	<del>#26</del>	<del>#27</del>	<del>#28</del>	<del>#29</del>
20	<del>\$30,472.00</del>	<del>\$31,886.40</del>	<del>\$33,425.60</del>	<del>\$35,068.80</del>	<del>\$36,732.80</del>
21	<del>14.65</del>	<del>15.33</del>	<del>16.07</del>	<del>16.86</del>	<del>17.66</del>
22					
23	<del>#30</del>	<del>#31</del>	<del>#32</del>	<del>#33</del>	<del>#34</del>
24	<del>\$38,500.80</del>	<del>\$40,393.60</del>	<del>\$42,244.80</del>	<del>\$44,345.60</del>	<del>\$46,425.60</del>
25	<del>18.51</del>	<del>19.42</del>	<del>20.31</del>	<del>21.32</del>	<del>22.32</del>
26					
27	<del>#35</del>	<del>#36</del>	<del>#37</del>	<del>#38</del>	<del>#39</del>
28	<del>\$48,651.20</del>	<del>\$50,980.80</del>	<del>\$53,476.80</del>	<del>\$55,993.60</del>	<del>\$58,718.40</del>
29	<del>23.39</del>	<del>24.51</del>	<del>25.71</del>	<del>26.92</del>	<del>28.23</del>
30					

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1	<del>#40</del>	<del>#41</del>	<del>#42</del>	<del>#43</del>	<del>#44</del>
2	<del>\$61,568.00</del>	<del>\$64,500.80</del>	<del>\$67,641.60</del>	<del>\$70,803.20</del>	<del>\$74,276.80</del>
3	<del>29.60</del>	<del>31.01</del>	<del>32.52</del>	<del>34.04</del>	<del>35.71</del>
4					
5	<del>#45</del>	<del>#46</del>	<del>#47</del>	<del>#48</del>	<del>#49</del>

6	<del>\$77,833.60</del>	<del>\$81,536.00</del>	<del>\$85,446.40</del>	<del>\$91,395.20</del>	<del>\$95,950.40</del>
7	<u>37.42</u>	<u>39.20</u>	<u>41.08</u>	<u>43.94</u>	<u>46.13</u>
8	#9				
9	<u>\$14,913.60</u>				
10	<u>7.17</u>				
11	#10	#11	#12	#13	#14
12	<u>\$15,745.60</u>	<u>\$16,556.80</u>	<u>\$17,388.80</u>	<u>\$18,241.60</u>	<u>\$19,198.40</u>
13	<u>7.57</u>	<u>7.96</u>	<u>8.36</u>	<u>8.77</u>	<u>9.23</u>
14					
15	#15	#16	#17	#18	#19
16	<u>\$20,238.40</u>	<u>\$21,236.80</u>	<u>\$22,172.80</u>	<u>\$23,275.20</u>	<u>\$24,336.00</u>
17	<u>9.73</u>	<u>10.21</u>	<u>10.66</u>	<u>11.19</u>	<u>11.70</u>
18					
19	#20	#21	#22	#23	#24
20	<u>\$25,604.80</u>	<u>\$26,728.00</u>	<u>\$28,059.20</u>	<u>\$29,452.80</u>	<u>\$30,784.00</u>
21	<u>12.31</u>	<u>12.85</u>	<u>13.49</u>	<u>14.16</u>	<u>14.80</u>
22					
23	#25	#26	#27	#28	#29
24	<u>\$32,323.20</u>	<u>\$33,820.80</u>	<u>\$35,464.00</u>	<u>\$37,211.20</u>	<u>\$38,979.20</u>
25	<u>15.54</u>	<u>16.26</u>	<u>17.05</u>	<u>17.89</u>	<u>18.74</u>
26					
27	#30	#31	#32	#33	#34
28	<u>\$40,851.20</u>	<u>\$42,848.00</u>	<u>\$44,824.00</u>	<u>\$47,049.60</u>	<u>\$49,254.40</u>
29	<u>19.64</u>	<u>20.60</u>	<u>21.55</u>	<u>22.62</u>	<u>23.68</u>
30					

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1	#35	#36	#37	#38	#39
2	<u>\$51,604.80</u>	<u>\$54,100.80</u>	<u>\$56,721.60</u>	<u>\$59,404.80</u>	<u>\$62,296.00</u>
3	<u>24.81</u>	<u>26.01</u>	<u>27.27</u>	<u>28.56</u>	<u>29.95</u>
4					
5	#40	#41	#42	#43	#44
6	<u>\$65,312.00</u>	<u>\$68,432.00</u>	<u>\$71,780.80</u>	<u>\$75,108.80</u>	<u>\$78,790.40</u>
7	<u>31.40</u>	<u>32.90</u>	<u>34.51</u>	<u>36.11</u>	<u>37.88</u>
8					
9	#45	#46	#47	#48	#49
10	<u>\$82,576.00</u>	<u>\$86,507.20</u>	<u>\$90,646.40</u>	<u>\$94,993.60</u>	<u>\$99,507.20</u>
11	<u>39.70</u>	<u>41.59</u>	<u>43.58</u>	<u>45.67</u>	<u>47.84</u>
12	In this schedule, each numbered block shall be the				
13	yearly and hourly compensation for the pay grade of				
14	the number heading the block. Within each grade there				
15	shall be six steps numbered "1" through "6". In the				
16	above schedule the steps for all grades are determined				
17	in the following manner. Each numbered block is				
18	counted as the "1" step for that grade. The next				
19	higher block is counted as the "2" step; the next				
20	higher block is the "3" step; the next higher block is				
21	the "4" step; the next higher block is the "5" step;				
22	the next higher block is the "6" step.				
23	<u>Alternatively, the senate rules and administration</u>				
24	<u>committee for senate employees, and the house</u>				

25 administration and rules committee for house employees  
 26 may allow their employees' compensation to be flexibly  
 27 set anywhere between steps "1" through "6" for an  
 28 employee's prescribed pay grade.  
 29 All employees shall be available to work daily  
 30 until completion of the senate's and house of

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1 representatives' business. The employee's division  
 2 supervisor shall schedule all employees' working hours  
 3 to, as far as possible, maintain regular working  
 4 hours.  
 5 All employees, other than those designated "part-  
 6 time" shall be compensated for 40 hours of work in a  
 7 one-week pay period. Secretaries to senators and  
 8 representatives are presumed to have 40 hours of work  
 9 each week the legislature is in session and shall be  
 10 paid only on that basis. Except for the personnel  
 11 designated to the contrary in this resolution,  
 12 employees who are required to work in excess of 40  
 13 hours in a one-week pay period shall either be  
 14 compensated at a rate of pay equal to one and one-half  
 15 times the hourly pay provided in this resolution or  
 16 allowed compensatory time off at a rate of one and  
 17 one-half hours for each hour of overtime.  
 18 The following personnel shall not be paid an  
 19 overtime premium:  
 20 Secretary of the Senate  
 21 Chief Clerk of the House  
 22 Assistant Secretary of the Senate  
 23 Assistant Chief Clerk of the House  
 24 Senate Legal Counsel  
 25 House Legal Counsel  
 26 ~~Finance Officer~~  
 27 Senior Finance Officer I  
 28 Senior Finance Officer II  
 29 Senior Journal Editor  
 30 Senior Indexer

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1 All Administrative Assistants  
 2 All Research Analysts  
 3 All Research Assistants  
 4 All Secretaries to Senators and Representatives  
 5 All Caucus Staff Directors  
 6 All Caucus Secretaries  
 7 Administrative, Executive, and Confidential  
 8 Secretaries to President, Speaker, Leader or  
 9 Secretary of Senate or Chief Clerk of House  
 10 This list may be modified pursuant to the annual

11 review authorized in this resolution.

12 BE IT FURTHER RESOLVED, That part-time employees  
13 shall be compensated at the scheduled hourly rate for  
14 their pay grade and step.

15 BE IT FURTHER RESOLVED, That compensatory time off  
16 shall be granted to employees not eligible for the  
17 overtime premium in a uniform manner for all  
18 legislative employees as determined by the legislative  
19 council.

20 BE IT FURTHER RESOLVED, That in the event the  
21 salary schedule for employees of the State of Iowa as  
22 promulgated by the personnel commission pursuant to  
23 section 19A.9, subsection 2, ~~Code 1999~~, is revised  
24 upward at any time during the ~~seventy-eighth~~ seventy-  
25 ninth general assembly, such revised schedule shall  
26 simultaneously be adopted for the compensation of the  
27 employees of the ~~seventy-eighth~~ seventy-ninth general  
28 assembly assigned a grade by this resolution. The pay  
29 ranges of those positions specifically listed on page  
30 one of this resolution shall be automatically adjusted

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1 to reflect any cost of living increases granted to  
2 those employees not included in the collective  
3 bargaining agreements made final under chapter 20 of  
4 the Code and increases provided by the legislative  
5 council for agency directors.

6 BE IT FURTHER RESOLVED, That adjustments in the  
7 positions and compensation listed in this resolution  
8 may be made through an annual interim review of all  
9 legislative employees for internal equity and to  
10 assure compliance with appropriate legal standards for  
11 granting of overtime and compensatory time off. Such  
12 review shall be conducted by a legislative committee  
13 made up of members of the service committee of  
14 legislative council and the appropriate salary  
15 subcommittees of the senate and house. Only one such  
16 review may be done in any fiscal year and adjustments  
17 suggested must be approved by the appropriate hiring  
18 body.

19 BE IT FURTHER RESOLVED, That the employees of the  
20 ~~seventy-eighth~~ seventy-ninth general assembly be  
21 placed in the following pay grades:

22 EMPLOYEES OF THE HOUSE

23	Sr. Assistant Chief Clerk of the House.....	Grade 41
24	Assistant Chief Clerk of the House III .....	Grade 38
25	Assistant Chief Clerk of the House II.....	Grade 35
26	Assistant Chief Clerk of the House I.....	Grade 32
27	Legal Counsel II.....	Grade 35
28	Legal Counsel I .....	Grade 32

29 Legal Counsel..... Grade 30  
 30 Sr. Caucus Staff Director ..... Grade 41

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1 Caucus Staff Director..... Grade 38  
 2 Administrative Assistant to Leader  
 3 or Speaker ..... Grade 27  
 4 Administrative Assistant I to Leader  
 5 or Speaker ..... Grade 29  
 6 Administrative Assistant II to Leader  
 7 or Speaker ..... Grade 32  
 8 Administrative Assistant III to Leader  
 9 or Speaker ..... Grade 35  
 10 Sr. Administrative Assistant to  
 11 Leader or Speaker ..... Grade 38  
 12 Research Assistant..... Grade 24  
 13 Legislative Research Analyst..... Grade 27  
 14 Legislative Research Analyst I..... Grade 29  
 15 Legislative Research Analyst II..... Grade 32  
 16 Legislative Research Analyst III ..... Grade 35  
 17 Sr. Legislative Research Analyst..... Grade 38  
 18 Secretary to Leader or Speaker ..... Grade 19  
 19 Caucus Secretary ..... Grade 21  
 20 Senior Caucus Secretary ..... Grade 24  
 21 Administrative Secretary to Leader,  
 22 Speaker, or Chief Clerk..... Grade 21  
 23 Executive Secretary to Leader,  
 24 Speaker or Chief Clerk..... Grade 24  
 25 Confidential Secretary to Leader,  
 26 Speaker, or Chief Clerk..... Grade 27  
 27 Confidential Secretary II to Leader, Speaker  
 28 or Chief Clerk ..... Grade 32  
 29 Clerk to Chief Clerk ..... Grade 16  
 30 Supervisor of Secretaries ..... Grade 21

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1 Supervisor of Secretaries I..... Grade 24  
 2 Supervisor of Secretaries II ..... Grade 27  
 3 Senior Editor ..... Grade 30  
 4 Editor II..... Grade 25  
 5 Editor I..... Grade 22  
 6 Assistant Editor ..... Grade 19  
 7 Compositor/Desk Top Specialist ..... Grade 17  
 8 Sr. Text Processor ..... Grade 25  
 9 Text Processor II ..... Grade 22  
 10 Text Processor I..... Grade 19  
 11 Senior Finance Officer II..... Grade 35  
 12 Senior Finance Officer I..... Grade 31  
 13 Finance Officer II..... Grade 27  
 14 Finance Officer I ..... Grade 24

15 Assistant Finance Officer..... Grade 21  
 16 Recording Clerk II..... Grade 24  
 17 Recording Clerk I..... Grade 21  
 18 Assistant Legal Counsel..... Grade 27  
 19 Engrossing & Enrolling Processor..... Grade 27  
 20 Assistant to the Legal Counsel..... Grade 19  
 21 Senior Indexer..... Grade 28  
 22 Indexer II..... Grade 25  
 23 Indexer I..... Grade 22  
 24 Indexing Assistant..... Grade 19  
 25 Supply Clerk..... Grade 16  
 26 Switchboard Operator..... Grade 14  
 27 Legislative Secretary..... Grade 15  
 28 Legislative Committee Secretary..... Grade 17  
 29 Bill Clerk..... Grade 14  
 30 Assistant Bill Clerk..... Grade 12

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1 Postmaster..... Grade 12  
 2 Sergeant-at-Arms II..... Grade 20  
 3 Sergeant-at-Arms I..... Grade 17  
 4 Assistant Sergeant-at-Arms..... Grade 14  
 5 Chief Doorkeeper..... Grade 12  
 6 Doorkeepers..... Grade 11  
 7 Pages..... Minimum Wage Grade 9  
 8 EMPLOYEES OF THE SENATE  
 9 Sr. Assistant Secretary of the Senate..... Grade 41  
 10 Assistant Secretary of the Senate III..... Grade 38  
 11 Assistant Secretary of the Senate II..... Grade 35  
 12 Assistant Secretary of the Senate I..... Grade 32  
 13 Legal Counsel II..... Grade 35  
 14 Legal Counsel I..... Grade 32  
 15 Legal Counsel..... Grade 30  
 16 Sr. Caucus Staff Director..... Grade 41  
 17 Caucus Staff Director..... Grade 38  
 18 Administrative Assistant to Leader  
 19 or President..... Grade 27  
 20 Administrative Assistant I to Leader  
 21 or President..... Grade 29  
 22 Administrative Assistant II to Leader  
 23 or President..... Grade 32  
 24 Administrative Assistant III to Leader  
 25 or President..... Grade 35  
 26 Sr. Administrative Assistant to  
 27 Leader or President..... Grade 38  
 28 Research Assistant..... Grade 24  
 29 Legislative Research Analyst..... Grade 27  
 30 Legislative Research Analyst I..... Grade 29

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1	Legislative Research Analyst II.....	Grade 32
2	Legislative Research Analyst III.....	Grade 35
3	Sr. Legislative Research Analyst.....	Grade 38
4	Caucus Secretary.....	Grade 21
5	Senior Caucus Secretary.....	Grade 24
6	Secretary to Leader or President.....	Grade 19
7	Administrative Secretary to Leader, President, 8 or Secretary of the Senate.....	Grade 21
9	Executive Secretary to Leader, President, 10 or Secretary of the Senate.....	Grade 24
11	Confidential Secretary to Leader, President, 12 or Secretary of the Senate.....	Grade 27
13	Confidential Secretary II to Leader, President, 14 or Secretary of the Senate.....	Grade 32
15	Supervisor of Secretaries.....	Grade 21
16	Supervisor of Secretaries I.....	Grade 24
17	Supervisor of Secretaries II.....	Grade 27
18	Senior Editor.....	Grade 30
19	Editor II.....	Grade 25
20	Editor I.....	Grade 22
21	Assistant Editor.....	Grade 19
22	Compositor/Desk Top Specialist.....	Grade 17
23	Assistant Legal Counsel.....	Grade 27
24	Assistant to the Legal Counsel.....	Grade 19
25	Proofreader.....	Grade 16
26	<u>Senior Finance Officer II.....</u>	<u>Grade 35</u>
27	Senior Finance Officer I.....	Grade 31
28	Finance Officer II.....	Grade 27
29	Finance Officer I.....	Grade 24
30	Assistant Finance Officer.....	Grade 21

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1	Recording Clerk II.....	Grade 24
2	Recording Clerk I.....	Grade 21
3	<u>Senior Indexer.....</u>	<u>Grade 28</u>
4	Indexer II.....	Grade 25
5	Indexer I.....	Grade 22
6	Indexing Assistant.....	Grade 19
7	Records and Supply Clerk.....	Grade 18
8	Switchboard Operator.....	Grade 14
9	Legislative Secretary.....	Grade 15
10	Legislative Committee Secretary.....	Grade 17
11	Bill Clerk.....	Grade 14
12	Assistant Bill Clerk.....	Grade 12
13	Postmaster.....	Grade 12
14	<u>Sergeant-at-Arms II.....</u>	<u>Grade 20</u>
15	Sergeant-at-Arms I.....	Grade 17
16	Assistant Sergeant-at-Arms.....	Grade 14
17	Chief Doorkeeper.....	Grade 12

18 Doorkeepers..... Grade 11  
 19 Pages ..... Minimum Wage Grade 9  
 20 JOINT SENATE/HOUSE EMPLOYEES  
 21 Facilities Manager I..... Grade 35  
 22 Facilities Manager II..... Grade 38  
 23 Sr. Facilities Manager..... Grade 41  
 24 BE IT FURTHER RESOLVED, That there shall be four  
 25 classes of appointments as employees of the general  
 26 assembly:  
 27 A "permanent full-time" or "permanent part-time"  
 28 employee is one who is employed the year around and  
 29 eligible to receive state benefits.  
 30 An "exempt full-time" employee is one who is

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1 employed for the period of the sessions with  
 2 extensions post-session and pre-session as scheduled.  
 3 This class is eligible to receive state benefits with  
 4 the cost of benefits to the state to be paid by the  
 5 employee when not on the payroll.  
 6 A "session-only" employee is one who is employed  
 7 for only a portion of the year, usually the  
 8 legislative session. This class is not eligible for  
 9 state benefits, except IPERS, and insurance as  
 10 provided in section 2.40.  
 11 A "part-time" employee is one who is employed to  
 12 work less than 40 hours per week. This class is not  
 13 eligible for state benefits, except IPERS if eligible.  
 14 BE IT FURTHER RESOLVED, That the exact  
 15 classification for individuals in a job series created  
 16 by this resolution shall be set or changed for senate  
 17 employees by the senate rules and administration  
 18 committee and for the house employees by the house  
 19 administration and rules committee. The committees  
 20 shall base the classification upon the following  
 21 factors:  
 22 1. The extent of formal education required of the  
 23 position; and,  
 24 2. The extent of the responsibilities to be  
 25 assigned to the position; and,  
 26 3. The amount of supervision placed over the  
 27 position; and,  
 28 4. The number of persons the position is assigned  
 29 to supervise and skill and responsibilities of those  
 30 positions supervised.

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1 The committees shall report the exact  
 2 classifications assigned to each individual on the  
 3 next legislative day, or, if such action is during the

4 interim, on the first day the senate or house shall  
5 convene. Any action by the senate or house to  
6 disapprove a report or a portion of a report shall be  
7 effective the day after the action.

8 Recommendations for a pay grade for a new position  
9 shall be developed in accordance with the factor  
10 scores in the comparable worth report. Beginning in  
11 1999, every four years the senate rules and  
12 administration committee, the house administration and  
13 rules committee, and the legislative council shall  
14 review all positions in the legislative branch to  
15 assure conformity to comparable worth.

16 BE IT FURTHER RESOLVED, That a senator or  
17 representative may employ a secretary who in the  
18 judgment of the senator or representative employing  
19 such person, possesses the necessary skills to perform  
20 the duties such senator or representative shall  
21 designate, under the administrative direction, as  
22 appropriate, of the secretary of the senate or the  
23 chief clerk of the house.

24 Each standing committee chairperson, ethics  
25 committee chairperson, and each appropriations  
26 subcommittee chairperson shall designate a secretary  
27 who is competent to perform the following duties:  
28 prepare committee minutes, committee reports, type  
29 committee correspondence, maintain committee records,  
30 and otherwise assist the committee. Such duties shall

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1 be performed in accordance with standards which shall  
2 be provided by the secretary of the senate and chief  
3 clerk of the house. In making the designation,  
4 chairpersons shall consider persons for possible  
5 designation as the secretary to the committee in the  
6 following order:

7 First: The secretary to the chairperson.  
8 Second: The secretary to the committee's vice-  
9 chairperson.

10 Third: The secretary to any other member of the  
11 committee.

12 Fourth: The secretary to any other member in the  
13 same house as the committee.

14 BE IT FURTHER RESOLVED, That a Legal Counsel II  
15 shall be a person who has graduated from an accredited  
16 school of law and is admitted to practice in Iowa as  
17 an Attorney and Counselor at Law and possesses either  
18 a Masters of Law degree or has at least two years of  
19 legal experience after admission to practice.

20 A Legal Counsel I shall be a person who has  
21 graduated from an accredited school of law and is  
22 admitted to practice in Iowa as an Attorney and

23 Counselor at Law.

24 BE IT FURTHER RESOLVED, That employees of the  
25 general assembly may be eligible for either:

26 a) increases in salary grade or step based on  
27 evaluation of their job performance and  
28 recommendations of their administrative officers,  
29 subject to approval of the senate committee on rules  
30 and administration or the house committee on

Page 16

1 administration and rules, as appropriate, provided,  
2 however, that for promotions between classes with a  
3 three or more pay grade difference, the employee shall  
4 be given a two-step increase in pay or the employee's  
5 salary shall be adjusted to the entry level in the  
6 grade of the new position, whichever is greater; or  
7 b) mobility within a pay grade at the discretion  
8 of the chief clerk of the house upon recommendation by  
9 the employee's division supervisor on the part of the  
10 house, and the discretion of the employee's division  
11 supervisor on the part of the senate, subject to the  
12 approval of the house committee on administration and  
13 rules or the senate committee on rules and  
14 administration, as appropriate -- either in accord  
15 with a flexible pay plan approved by the senate rules  
16 and administration committee or the house  
17 administration and rules committee. or in accord with  
18 the following schedule:

19 (1) Progression from step "1" to "2" for a newly  
20 hired employee -- six months of actual employment.

21 (2) Progression from step "1" to "2" following  
22 promotion within a job series -- twelve months of  
23 actual employment in that position.

24 (3) Progression from step "2" to "3", and step "3"  
25 to "4", and step "4" to "5", and step "5" to "6" --  
26 twelve months of actual employment.

27 BE IT FURTHER RESOLVED, that in addition to the  
28 steps provided in the preceding paragraph, that  
29 secretaries to senators and representatives who were  
30 employees of the senate or house of representatives

Page 17

1 during any general assembly prior to January 9, 1989,  
2 and who have received certification for passing a  
3 typing and shorthand performance examination shall be  
4 eligible for two additional steps.

5 BE IT FURTHER RESOLVED, That in addition to the  
6 steps provided in the preceding paragraph, that  
7 secretaries to senators and representatives shall be  
8 eligible for a maximum of three additional grades

9 beyond grade 15, in any combination, as provided in  
10 this paragraph:

11 1. One additional grade for a secretary to a  
12 standing committee chair, ethics committee chair or  
13 appropriations subcommittee chair who is not the  
14 designated committee secretary.

15 2. One additional grade for a secretary to a vice-  
16 chairperson or ranking member of a standing committee,  
17 ethics committee or appropriations subcommittee.

18 3. One additional grade for a secretary to the  
19 chairperson of the chaplain's committee.

20 4. Two additional grades for a secretary to an  
21 assistant floor leader or speaker pro tempore or  
22 president pro tempore.

23 5. One additional grade for a designated committee  
24 secretary who is also the designated committee  
25 secretary for an additional standing committee, ethics  
26 committee, or appropriations subcommittee.

27 BE IT FURTHER RESOLVED, That in the event the  
28 secretary to the chairperson of the chaplain's  
29 committee is the secretary to the president, president  
30 pro tempore, speaker, speaker pro tempore, or the

Page 18

1 majority or minority leader, such secretary shall  
2 receive one additional step.

3 BE IT FURTHER RESOLVED, That the entrance salary  
4 for employees of the general assembly shall be at step  
5 1 in the grade of the position held. Such employee  
6 may be hired above the entrance step if possessing  
7 outstanding and unusual experience for the position,  
8 provided that the entrance is not beyond step 3. Such  
9 employee who is hired above the entrance step shall be  
10 mobile above that step in the same period of time as  
11 other employees in that same step. An officer or  
12 employee who is moved to another position may be  
13 considered for partial or full credit for their  
14 experience in the former position in determining the  
15 step in the new grade.

16 The entry level for the position of research  
17 analyst shall be Legislative Research Analyst, unless  
18 extraordinary conditions justify increasing that entry  
19 level; however, that entry level may not be increased  
20 beyond Legislative Research Analyst I. A research  
21 analyst must have shown knowledge of legislative rules  
22 and procedures as well as the Code of Iowa to be  
23 considered at any level above a Legislative Research  
24 Analyst.

25 BE IT FURTHER RESOLVED, That a pay increase for  
26 employees of one step within the pay grade for the  
27 position may be made for exceptionally meritorious

28 service in addition to step increases provided for in  
29 this resolution, at the discretion of the chief clerk  
30 upon recommendation by the employee's division

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1 supervisor on the part of the house, and upon  
2 recommendation by the employee's division supervisor  
3 on the part of the senate, and the approval of the  
4 senate committee on rules and administration or the  
5 house committee on administration and rules.

6 Exceptionally meritorious service pay increases shall  
7 be governed by the following:

8 a. The employee must have served in the position  
9 for at least twelve months;

10 b. Written justification, setting forth in detail  
11 the nature of the exceptionally meritorious service  
12 rendered, must be submitted to the senate rules and  
13 administration committee or house administration and  
14 rules committee and approved in advance of granting  
15 the pay increase;

16 c. No more than one exceptionally meritorious  
17 service pay increase may be granted in any twelve-  
18 month period.

19 d. Such meritorious service pay increase shall not  
20 be granted beyond the six-step maximum for that  
21 position.

22 BE IT FURTHER RESOLVED, That the senate rules and  
23 administration committee and the house administration  
24 and rules committee shall both hire officers and  
25 employees for their respective bodies and fill any  
26 vacancies which may occur, to be effective at such  
27 time as they shall set. The committee shall report  
28 the names of those it has hired for the positions  
29 specified in this resolution or the filling of any  
30 vacancies on the next legislative day or, if such

Page 20

1 action is during the interim, on the first day the  
2 senate or house shall convene. Any action by the  
3 senate or house to amend or disapprove a report or a  
4 portion of a report shall be effective the day after  
5 the action.

6 The chief clerk of the house shall submit to the  
7 house committee on administration and rules and the  
8 secretary of the senate shall submit to the senate  
9 committee on rules and administration the list of  
10 names, or amendments thereto, of employee  
11 classifications and recommended pay step for each  
12 officer and employee. Such list shall include  
13 recommendations for the pay step for all employees.

14 Each respective committee shall approve or amend the  
 15 list of recommended classifications and pay steps and  
 16 publish said list in the journal.  
 17 BE IT FURTHER RESOLVED, That permanent employees of  
 18 the general assembly shall receive vacation  
 19 allowances, sick leave, health and accident insurance,  
 20 life insurance, and disability income insurance as are  
 21 provided for full-time permanent state employees. The  
 22 computations shall be maintained by the finance  
 23 officers in each house and coordinated with the  
 24 department of revenue and finance.  
 25 BE IT FURTHER RESOLVED, That should any employee  
 26 have a grievance, the grievance shall be resolved as  
 27 provided by procedures determined by the senate rules  
 28 and administration committee for senate employees or  
 29 the house administration and rules committee for house  
 30 employees.

Page 21

1 BE IT FURTHER RESOLVED, That the ~~general assembly~~  
 2 legislative council adopt a resolution similar to this  
 3 resolution which provides for the compensation and  
 4 benefits of all legislative central staff agency  
 5 employees for the ~~seventy-eighth~~ seventy-ninth general  
 6 assembly. The resolution shall be adopted as soon as  
 7 practicable after the convening of the ~~seventy-eighth~~  
 8 seventy-ninth general assembly, and published in the  
 9 journals of the senate and house.  
 10 BE IT FURTHER RESOLVED, That the compensation of  
 11 chaplains officiating at the opening of the daily  
 12 sessions of the house of representatives and the  
 13 senate of the ~~seventy-eighth~~ seventy-ninth general  
 14 assembly be fixed at ten dollars for each house of the  
 15 general assembly, and that mileage for chaplains be  
 16 fixed at the rate of ~~twenty-four~~ twenty-nine cents per  
 17 mile to and from the State Capitol.

**SENATE CONCURRENT RESOLUTION 6:** filed January 30,  
 2001; adopted by the Senate on February 6, 2001; adopted by the  
 House on February 7, 2001.

1 SENATE CONCURRENT RESOLUTION 6  
 2 By: Committee on Rules and Administration  
 3 A Senate concurrent resolution relating to joint rules of  
 4 the Senate and House of Representatives for the  
 5 Seventy-ninth General Assembly.  
 6 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 7 REPRESENTATIVES CONCURRING, That the joint rules of  
 8 the Senate and House of Representatives for the  
 9 ~~Seventy-eighth~~ Seventy-ninth General Assembly shall

10 be:

11 JOINT RULES OF THE  
12 SENATE AND HOUSE

13 Rule 1

14 Suspension of Joint Rules

15 The joint rules of the general assembly may be  
16 suspended by concurrent resolution, duly adopted by a  
17 constitutional majority of the senate and the house.

18 Rule 2

19 Designation of Sessions

20 Each regular session of a general assembly shall be  
21 designated by the year in which such regular session  
22 commences.

23 Rule 3

24 Sessions of a General Assembly

25 The election of officers, organization, hiring and  
26 compensation of employees, and standing committees in  
27 each house of the general assembly and action taken by  
28 each house shall carry over from the first to the  
29 second regular session and to any extraordinary  
30 session of the same general assembly. The status of

Page 2

1 each bill and resolution shall be the same at the  
2 beginning of each second session as it was immediately  
3 before adjournment of the previous regular or  
4 extraordinary session; however the rules of either  
5 house may provide for re-referral of some or all bills  
6 and resolutions to standing committees upon  
7 adjournment of each session or at the beginning of a  
8 subsequent regular or extraordinary session, except  
9 those which have been adopted by both houses in  
10 different forms.

11 Upon final adoption of a concurrent resolution at  
12 any extraordinary session affecting that session, or  
13 at a regular session affecting any extraordinary  
14 session which may be held before the next regular  
15 session, the creation of any calendar by either house  
16 shall be suspended and the business of the session  
17 shall consist solely of those bills or subject matters  
18 stated in the resolution adopted. Bills named in the  
19 resolution, or bills containing the subject matter  
20 provided for in the resolution, may, at any time, be  
21 called up for debate in either house by the majority  
22 leader of that house.

23 Rule 3A'

24 International Relations Protocol

25 The senate and the house of representatives shall  
26 comply with the international relations protocol  
27 policy adopted by the international relations  
28 committee of the legislative council.

29

## Rule 4

30

## Presentation of Messages

Page 3

1 All messages between the two houses shall be sent  
2 by the secretary of the senate or the chief clerk of  
3 the house of representatives, shall be communicated to  
4 the presiding officer.

## Rule 5

Printing and Form of Bills  
and Other Documents

5  
6  
7  
8 Bills and joint resolutions shall be introduced,  
9 numbered, prepared, and printed as provided by law, or  
10 in the absence of such law, in a manner determined by  
11 the secretary of the senate and the chief clerk of the  
12 house of representatives. Proposed bills and  
13 resolutions which are not introduced but are referred  
14 to committee shall be tracked in the legislative  
15 computer system as are introduced bills and  
16 resolutions. The referral of proposed bills and  
17 resolutions to committee shall be entered in the  
18 journal.

19 All bills and joint resolutions introduced shall be  
20 in a form and number approved by the secretary of the  
21 senate and chief clerk of the house.

22 The legal counsel's office of each house shall  
23 approve all bills before introduction.

## Rule 6

## Companion Bills

24  
25  
26 Identical bills introduced in each house shall be  
27 called companion bills. Each house shall designate  
28 the sponsor in the usual way followed in parentheses  
29 by the sponsor of the companion bill in the other  
30 house. The house where the bill is first introduced

Page 4

1 shall print the complete text.

## Rule 7

## Reprinting of Bills

2  
3  
4 Whenever any bill has been substantially amended by  
5 either house, the secretary of the senate or the chief  
6 clerk of the house shall order the bill reprinted on  
7 paper of a different color. All adopted amendments  
8 shall be distinguishable.

9 The secretary of the senate or the chief clerk of  
10 the house may order the printing of a reasonable  
11 number of additional copies of any bill, resolution,  
12 amendment, or journal.

## Rule 8

## Daily Clip Sheet

13

14

15 The secretary of the senate and the chief clerk of  
 16 the house shall prepare a daily clip sheet covering  
 17 all amendments filed.

18 Rule 9

19 Reintroduction of Bills and Other Measures

20 A bill or resolution which has passed one house and  
 21 is rejected in the other shall not be introduced again  
 22 during that general assembly.

23 Rule 10

24 Certification of Bills and Other Enrollments

25 When any bill or resolution which has passed one  
 26 house is rejected or adopted in the other, notice of  
 27 such action and the date thereof shall be given to the  
 28 house of origin in writing signed by the secretary of  
 29 the senate or the chief clerk of the house.

30 Rule 11

Page 5

1 Code Editor's Correction Bills

2 A bill recommended by the Code editor which is  
 3 passed out of committee to the floor for debate by a  
 4 committee of the house or senate within the first four  
 5 weeks of convening of a legislative session and which  
 6 contains Code corrections of a nonsubstantive nature  
 7 shall not be amended on the floor of either house  
 8 except pursuant to corrective or nonsubstantive  
 9 amendments filed by the judiciary committee of the  
 10 senate or the house. Such committee amendments,  
 11 whether filed at the time of initial committee passage  
 12 of the bill to the floor for debate or after  
 13 rereferral to the committee, shall not be incorporated  
 14 into the bill in the originating house but shall be  
 15 filed separately. Amendments filed from the floor to  
 16 strike sections of the bill or the committee  
 17 amendments shall be in order. Following amendment and  
 18 passage by the second house, only amendments filed  
 19 from the floor which strike sections of the amendment  
 20 of the second house shall be in order.

21 A bill recommended by the Code editor which is  
 22 passed out of committee to the floor for debate by a  
 23 committee of the house or senate within the first four  
 24 weeks of convening of a legislative session and which  
 25 contains Code corrections beyond those of a  
 26 nonsubstantive nature shall not be amended on the  
 27 floor of either house except pursuant to amendments  
 28 filed by the judiciary committee of the senate or the  
 29 house. Such committee amendments, whether filed at  
 30 the time of initial committee passage of the bill to

Page 6

1 the floor for debate or after rereferral to the  
2 committee, shall not be incorporated into the bill in  
3 the originating house but shall be filed separately.  
4 Such a bill shall be limited to corrections which:  
5 Adjust language to reflect current practices, insert  
6 earlier omissions, delete redundancies and  
7 inaccuracies, delete temporary language, resolve  
8 inconsistencies and conflicts, update ongoing  
9 provisions, and remove ambiguities. Amendments filed  
10 from the floor to strike sections of the bill or the  
11 committee amendments shall be in order. Following  
12 amendment and passage by the second house, only  
13 amendments filed from the floor which strike sections  
14 of the amendment of the second house shall be in  
15 order.

#### 16 Rule 12

##### 17 Amendments by Other House

18 1. When a bill which originated in one house is  
19 amended in the other house, the house originating the  
20 bill may amend the amendment, concur in full in the  
21 amendment, or refuse to concur in full in the  
22 amendment. Precedence of motions shall be in that  
23 order. The amendment of the other house shall not be  
24 ruled out of order based on a question of germaneness.  
25 a. If the house originating the bill concurs in  
26 the amendment, the bill shall then be immediately  
27 placed upon its final passage.  
28 b. If the house originating the bill refuses to  
29 concur in the amendment, the bill shall be returned to  
30 the amending house which shall either:

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1 (1) Recede, after which the bill shall be read for  
2 the last time and immediately placed upon its final  
3 passage; or  
4 (2) Insist, which will send the bill to a  
5 conference committee.  
6 c. If the house originating the bill amends the  
7 amendment, that house shall concur in the amendment as  
8 amended and the bill shall be immediately placed on  
9 final passage, and shall be returned to the other  
10 house. The other house cannot further amend the bill.  
11 (1) If the amending house which gave second  
12 consideration to the bill concurs in the amendment to  
13 the amendment, the bill shall then be immediately  
14 placed upon its final passage.  
15 (2) If the amending house refuses to concur in the  
16 amendment to the amendment, the bill shall be returned  
17 to the house originating the bill which shall either:

18 (a) Recede, after which the bill shall be read for  
 19 the last time as amended and immediately placed upon  
 20 its final passage; or

21 (b) Insist, which will send the bill to a  
 22 conference committee.

23 2. A motion to recede has precedence over a motion  
 24 to insist. Failure to recede means to insist; and  
 25 failure to insist means to recede.

26 3. A motion to lay on the table or to indefinitely  
 27 postpone shall be out of order with respect to motions  
 28 to recede from or insist upon and to amendments to  
 29 bills which have passed both houses.

30 4. A motion to concur, refuse to concur, recede,

Page 8

1 insist, or adopt a conference committee report is in  
 2 order even though the subject matter has previously  
 3 been acted upon.

#### 4 Rule 13

##### 5 Conference Committee

6 1. Within one legislative day after either house  
 7 insists upon an amendment to a bill, the presiding  
 8 officer of the house, after consultation with the  
 9 majority leader, shall appoint three majority party  
 10 members and, after consultation with the minority  
 11 leader, shall appoint two minority party members to a  
 12 conference committee. The majority leader of the  
 13 senate, after consultation with the president, shall  
 14 appoint three majority party members and, after  
 15 consultation with and approval by the minority leader,  
 16 shall appoint two minority party members to a  
 17 conference committee. The papers shall remain with  
 18 the house that originated the bill.

19 2. The conference committee shall meet before the  
 20 end of the next legislative day after their  
 21 appointment, shall select a chair and shall discuss  
 22 the controversy.

23 3. The authority of the first conference committee  
 24 shall cover only issues related to provisions of the  
 25 bill and amendments to the bill which were adopted by  
 26 either the senate or the house of representatives and  
 27 on which the senate and house of representatives  
 28 differed. If a conference committee report is not  
 29 acted upon because such action would violate this  
 30 subsection of this rule, the inaction on the report

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1 shall constitute refusal to adopt the conference  
 2 committee report and shall have the same effect as if  
 3 the conference committee had disagreed.

4 4. An agreement on recommendations must be  
5 approved by at least three members from each house.  
6 The committee shall submit two originals of the report  
7 signed by at least three members of each house with  
8 one signed original and three copies to be submitted  
9 to each house. The report shall first be acted upon  
10 in the house originating the bill. Such action,  
11 including all papers, shall be immediately referred by  
12 the secretary of the senate or the chief clerk of the  
13 house of representatives to the other house.  
14 5. The report of agreement is debatable, but  
15 cannot be amended. If the report contains recommended  
16 amendments to the bill, adoption of the report shall  
17 automatically adopt all amendments contained therein.  
18 After the report is adopted, there shall be no more  
19 debate, and the bill shall immediately be placed upon  
20 its final passage.  
21 6. Refusal of either house to adopt the conference  
22 committee report has the same effect as if the  
23 committee had disagreed.  
24 7. If the conference committee fails to reach  
25 agreement, a report of such failure signed by at least  
26 three members of each house shall be given promptly to  
27 each house. The bill shall be returned to the house  
28 that originated the bill, the members of the committee  
29 shall be immediately discharged, and a new conference  
30 committee appointed in the same manner as the first

Page 10

1 conference committee.  
2 8. The authority of a second or subsequent  
3 conference committee shall cover free conference  
4 during which the committee has authority to propose  
5 amendments to any portion of a bill provided the  
6 amendment is within the subject matter content of the  
7 bill as passed by the house of origin or as amended by  
8 the second house.

#### Rule 14

10 Enrollment and Authentication of Bills  
11 A bill or resolution which has passed both houses  
12 shall be enrolled in the house of origin under the  
13 direction of either the secretary or the chief clerk  
14 and its house of origin shall be certified by the  
15 endorsement of the secretary of the senate or the  
16 chief clerk of the house.  
17 After enrollment, each bill shall be signed by the  
18 president of the senate and by the speaker of the  
19 house.

#### Rule 15

21 Concerning other Enrollments  
22 All resolutions and other matters which are to be

23 presented to the governor for approval shall be  
 24 enrolled, signed, and presented in the same manner as  
 25 bills.  
 26 All resolutions and other matters which are not to  
 27 be presented to the governor or the secretary of state  
 28 shall be enrolled, signed, and retained permanently by  
 29 the secretary of the senate or chief clerk of the  
 30 house.

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1 Rule 16

2 Transmission of Bills to the Governor

3 After a bill has been signed in each house, it  
 4 shall be presented by the house of origin to the  
 5 governor by either the secretary of the senate or the  
 6 chief clerk of the house. The secretary or the chief  
 7 clerk shall report the date of the presentation, which  
 8 shall be entered upon the journal of the house of  
 9 origin.

10 Rule 17

11 Fiscal Notes

12 A fiscal note shall be attached to any bill or  
 13 joint resolution which reasonably could have an annual  
 14 effect of at least one hundred thousand dollars or a  
 15 combined total effect within five years after  
 16 enactment of five hundred thousand dollars or more on  
 17 the aggregate revenues, expenditures, or fiscal  
 18 liability of the state or its subdivisions. This rule  
 19 does not apply to appropriation and ways and means  
 20 measures where the total effect is stated in dollar  
 21 amounts.

22 Each fiscal note shall state in dollars the  
 23 estimated effect of the bill on the revenues,  
 24 expenditures, and fiscal liability of the state or its  
 25 subdivisions during the first five years after  
 26 enactment. The information shall specifically note  
 27 the fiscal impact for the first two years following  
 28 enactment and the anticipated impact for the  
 29 succeeding three years. The fiscal note shall specify  
 30 the source of the information. Sources of funds for

Page 12

1 expenditures under the bill shall be stated, including  
 2 federal funds. If the fiscal director cannot make an  
 3 accurate estimate, the director shall state the best  
 4 available estimate or shall state that no dollar  
 5 estimate can be made and state concisely the reason.  
 6 The preliminary determination of whether the bill  
 7 appears to require a fiscal note shall be made by the  
 8 legislative service bureau which shall send a copy of

9 the request to the legislative fiscal bureau unless  
10 the requestor specifies the request is to be  
11 confidential. Upon completion of the bill draft, the  
12 legislative service bureau shall immediately send a  
13 copy to the legislative fiscal director for review.

14 When a committee reports a bill to the floor, the  
15 committee shall state in the report whether a fiscal  
16 note is or is not required.

17 The legislative fiscal director shall review all  
18 bills placed on the senate or house calendars to  
19 determine whether the bills are subject to this rule.

20 Additionally, a legislator may request the  
21 preparation of a fiscal note by the legislative fiscal  
22 bureau for any bill or joint resolution introduced  
23 which reasonably could be subject to this rule.

24 The legislative fiscal director shall cause to be  
25 prepared and shall approve a fiscal note within a  
26 reasonable time after receiving a request or  
27 determining that a bill is subject to this rule. All  
28 fiscal notes approved by the legislative fiscal bureau  
29 director shall be transmitted immediately to the  
30 secretary of the senate or the chief clerk of the

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1 house, after notifying the sponsor of the bill that a  
2 fiscal note has been prepared, for publication in the  
3 daily clip sheet. The secretary of the senate or  
4 chief clerk of the house shall attach the fiscal note  
5 to the bill as soon as it is available.

6 The legislative fiscal director may request the  
7 cooperation of any state department or agency in  
8 preparing a fiscal note.

9 A revised fiscal note may be requested by a  
10 legislator if the fiscal effect of the bill has been  
11 changed by adoption of an amendment. However, a  
12 request for a revised fiscal note shall not delay  
13 action on a bill unless so ordered by the presiding  
14 officer of the house in which the bill is under  
15 consideration.

16 If a date for adjournment has been set, then a  
17 constitutional majority of the house in which the bill  
18 is under consideration may waive the fiscal note  
19 requirement during the three days prior to the date  
20 set for adjournment.

#### 21 Rule 18

#### 22 Legislative Interns

23 Legislators may arrange student internships during  
24 the legislative session with Iowa college, university,  
25 or law school students, for which the students may  
26 receive college credit at the discretion of their  
27 schools. Each legislator is allowed only one intern

28 at a time per legislative session, and all interns  
 29 must be registered with the offices of the secretary  
 30 of the senate and the chief clerk of the house.

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1 The purpose of the legislative intern program shall  
 2 be: to provide useful staff services to legislators  
 3 not otherwise provided by the general assembly; to  
 4 give interested college, graduate, and law school  
 5 students practical experience in the legislative  
 6 process as well as providing a meaningful educational  
 7 experience; and to enrich the curriculum of  
 8 participating colleges and universities.

9 The secretary of the senate and the chief clerk of  
 10 the house or their designees shall have the following  
 11 responsibilities as regards the legislative intern  
 12 program:

13 1. Identify a supervising faculty member at each  
 14 participating institution who shall be responsible for  
 15 authorizing students to participate in the intern  
 16 program.

17 2. Provide legislators with a list of  
 18 participating institutions and the names of  
 19 supervising professors to contact if interested in  
 20 arranging for an intern.

21 3. Provide interns with name badges which will  
 22 allow them access to the floor of either house when  
 23 required to be present by the legislators for whom  
 24 they work.

25 4. Provide orientation materials to interns prior  
 26 to the convening of each session.

#### 27 Rule 19

#### 28 Administrative Rules Review Committee Bills 29 and Rule Referrals

30 A bill which relates to departmental rules and

Page 15

1 which is approved by the administrative rules review  
 2 committee by a majority of the committee's members of  
 3 each house is eligible for introduction in either  
 4 house at any time and must be referred to a standing  
 5 committee, which must take action on the bill within  
 6 three weeks of referral, except bills referred to  
 7 appropriations and ways and means committees.

8 If, on or after July 1, 1999, the administrative  
 9 rules review committee delays the effective date of a  
 10 rule until the adjournment of the next regular session  
 11 of the general assembly and the speaker of the house  
 12 or the president of the senate refers the rule to a  
 13 standing committee, the standing committee shall

14 review the rule within twenty-one days of the referral  
 15 and shall take formal committee action by sponsoring a  
 16 joint resolution to disapprove the rule, by proposing  
 17 legislation relating to the rule, or by refusing to  
 18 propose a joint resolution or legislation concerning  
 19 the rule. The standing committee shall inform the  
 20 administrative rules review committee of the committee  
 21 action taken concerning the rule.

#### 22 Rule 20

23 Time of Committee Passage and Consideration of Bills

24 1. This rule does not apply to concurrent or  
 25 simple resolutions, joint resolutions nullifying  
 26 administrative rules, senate confirmations, bills  
 27 embodying redistricting plans prepared by the  
 28 legislative service bureau pursuant to chapter 42, or  
 29 bills passed by both houses in different forms.  
 30 Subsection 2 of this rule does not apply to

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1 appropriations bills, ways and means bills, legalizing  
 2 acts, administrative rules review committee bills,  
 3 bills sponsored by standing committees in response to  
 4 a referral from the president of the senate or the  
 5 speaker of the house of representatives relating to an  
 6 administrative rule whose effective date has been  
 7 delayed until the adjournment of the next regular  
 8 session of the general assembly by the administrative  
 9 rules review committee, bills cosponsored by majority  
 10 and minority floor leaders of one house, bills in  
 11 conference committee, and companion bills sponsored by  
 12 the majority floor leaders of both houses after  
 13 consultation with the respective minority floor  
 14 leaders. For the purposes of this rule, a joint  
 15 resolution is considered as a bill. To be considered  
 16 an appropriations or ways and means bill for the  
 17 purposes of this rule, the appropriations committee or  
 18 the ways and means committee must either be the  
 19 sponsor of the bill or the committee of first referral  
 20 in the originating house.

21 2. To be placed on the calendar in the house of  
 22 origin, a bill must be first reported out of ~~the a~~  
 23 standing committee of first referral by Friday of the  
 24 9<sup>th</sup> 10<sup>th</sup> week of the first session and the 7<sup>th</sup> 8<sup>th</sup>  
 25 week of the second session. To be placed on the  
 26 calendar in the other house, a bill must be first  
 27 reported out of ~~the a~~ standing committee of first  
 28 referral by Friday of the ~~12<sup>th</sup>~~ 13<sup>th</sup> week of the first  
 29 session and the ~~10<sup>th</sup>~~ 11<sup>th</sup> week of the second session.  
 30 3. During the ~~10<sup>th</sup>~~ 11<sup>th</sup> week of the first session

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1 and the ~~8th~~ 9th week of the second session, each house  
 2 shall consider only bills originating in that house  
 3 and unfinished business. During the ~~13th~~ 14th week of  
 4 the first session and the ~~11th~~ 12th week of the second  
 5 session, each house shall consider only bills  
 6 originating in the other house and unfinished  
 7 business. Beginning with the ~~14th~~ 15th week of the  
 8 first session and the ~~12th~~ 13th week of the second  
 9 session, each house shall consider only bills passed  
 10 by both houses, bills exempt from subsection 2, and  
 11 unfinished business.

12 4. A motion to reconsider filed and not disposed  
 13 of on an action taken on a bill or resolution which is  
 14 subject to a deadline under this rule may be called up  
 15 at any time before or after the day of the deadline by  
 16 the person filing the motion or after the deadline by  
 17 the majority floor leader, notwithstanding any other  
 18 rule to the contrary.

#### 19 Rule 21

#### 20 Resolutions

21 1. A "concurrent resolution" is a resolution to be  
 22 adopted by both houses of the general assembly which  
 23 expresses the sentiment of the general assembly or  
 24 deals with temporary legislative matters. It may  
 25 authorize the expenditure, for any legislative  
 26 purpose, of funds appropriated to the general  
 27 assembly. A concurrent resolution is not limited to,  
 28 but may provide for a joint convention of the general  
 29 assembly, adjournment or recess of the general  
 30 assembly, or requests to a state agency or to the

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1 general assembly or a committee. A concurrent  
 2 resolution requires the affirmative vote of a majority  
 3 of the senators or representatives present and voting  
 4 unless otherwise specified by statute. A concurrent  
 5 resolution does not require the governor's approval  
 6 unless otherwise specified by statute. A concurrent  
 7 resolution shall be filed with the secretary of the  
 8 senate or the chief clerk of the house. A concurrent  
 9 resolution shall be printed in the bound journal after  
 10 its adoption.

11 2. A "joint resolution" is a resolution which  
 12 requires for approval the affirmative vote of a  
 13 constitutional majority of each house of the general  
 14 assembly. A joint resolution which appropriates funds  
 15 or enacts temporary laws must contain the clause "Be  
 16 It Enacted by the General Assembly of the State of  
 17 Iowa:", is equivalent to a bill, and must be

18 transmitted to the governor for his approval. A joint  
 19 resolution which proposes amendments to the  
 20 Constitution of the State of Iowa, ratifies amendments  
 21 to the Constitution of the United States, proposes a  
 22 request to Congress or an agency of the government of  
 23 the United States of America, proposes to Congress an  
 24 amendment to the Constitution of the United States of  
 25 America, nullifies an administrative rule, or creates  
 26 a special commission or committee must contain the  
 27 clause "Be It Resolved by the General Assembly of the  
 28 State of Iowa:" and shall not be transmitted to the  
 29 governor. A joint resolution shall not amend a  
 30 statute in the Code of Iowa.

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1 Rule 22

2 Nullification Resolutions

3 A "nullification resolution" is a joint resolution  
 4 which nullifies all of an administrative rule, or a  
 5 severable item of an administrative rule adopted  
 6 pursuant to chapter 17A of the Code. A nullification  
 7 resolution shall not amend an administrative rule by  
 8 adding language or by inserting new language in lieu  
 9 of existing language.  
 10 A nullification resolution is debatable, but cannot  
 11 be amended on the floor of the house or senate. The  
 12 effective date of a nullification resolution shall be  
 13 stated in the resolution. Any motions filed to  
 14 reconsider adoption of a nullification resolution must  
 15 be disposed of within one legislative day of the  
 16 filing.

17 Rule 23

18 Consideration of Vetoes

19 1. The senate and house calendar shall include a  
 20 list known as the "Veto Calendar." The veto calendar  
 21 shall consist of:  
 22 a. Bills returned to that house by the governor in  
 23 accordance with Article III, section 16 of the  
 24 Constitution of the State of Iowa.  
 25 b. Appropriations items returned to that house by  
 26 the governor in accordance with Article III, section  
 27 16 of the Constitution of the State of Iowa.  
 28 c. Bills and appropriations items received from  
 29 the other house after that house has voted to override  
 30 a veto of them by the governor.

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1 2. Vetoes bills and appropriations items shall  
 2 automatically be placed on the veto calendar upon  
 3 receipt. Vetoes bills and appropriations items shall

- 4 not be referred to committee.
- 5 3. Upon first publication in the veto calendar,  
6 the senate majority leader or the house majority  
7 leader may call up a vetoed bill or appropriations  
8 item at any time.
- 9 4. The affirmative vote of two-thirds of the  
10 members of the body by record roll call is required on  
11 a motion to override an executive veto or item veto.
- 12 5. A motion to override an executive veto or item  
13 veto is debatable. A vetoed bill or appropriation  
14 item cannot be amended in this case.
- 15 6. The vote by which a motion to override an  
16 executive veto or item veto passes or fails to pass  
17 either house is not subject to reconsideration under  
18 senate rule 24 or house rule 73.
- 19 7. The secretary of the senate or the chief clerk  
20 of the house shall immediately notify the other house  
21 of the adoption or rejection of a motion to override  
22 an executive veto or item veto.
- 23 8. All bills and appropriations items on the veto  
24 calendar shall be disposed of before adjournment sine  
25 die, unless the house having a bill or appropriation  
26 item before it declines to do so by unanimous consent.
- 27 9. Bills and appropriations items on the veto  
28 calendar are exempt from deadlines imposed by joint  
29 rule 20.
- 30 Rule 24'

Page 21

- 1 Special Rules Regarding Redistricting for 2001
- 2 1. If, pursuant to chapter 42, either the senate  
3 or the house of representatives rejects a  
4 redistricting plan submitted by the legislative  
5 service bureau, the house rejecting the plan shall  
6 convey the reasons for the rejection of the plan to  
7 the legislative service bureau by resolution.
- 8 2. If, pursuant to chapter 42, the legislative  
9 service bureau submits a third redistricting plan as  
10 provided by law, the senate and the house of  
11 representatives, when considering a bill embodying  
12 plan III, shall be allowed to accept for filing as  
13 amendments only such amendments which constitute the  
14 total text of a congressional plan without striking a  
15 legislative redistricting plan, the total text of a  
16 legislative redistricting plan without striking a  
17 congressional plan, or the combined total text of a  
18 congressional plan and a legislative redistricting  
19 plan, and nonsubstantive, technical corrections to the  
20 text of any such bills or amendments.

**SENATE CONCURRENT RESOLUTION 23:** filed April 4, 2001; adopted by the Senate on April 11, 2001; adopted by the House on April 12, 2001.

1           SENATE CONCURRENT RESOLUTION 23  
2    By: Johnson, Lundby, Rehberg, Hammond, Freeman,  
3    Soukup, Harper, Greiner, Boettger, Tinsman, and Kramer  
4    (COMPANION TO LSB 3577HH BY TYMESON)  
5    A Senate concurrent resolution encouraging state and local  
6    governments, business interests, health care  
7    professionals, and individuals with an interest in  
8    good health to help educate the public regarding  
9    osteoporosis prevention, detection, and treatment,  
10   and designating April 12, 2001, as Osteoporosis  
11   Awareness Day.  
12   WHEREAS, osteoporosis is a condition of reduced  
13   bone mass that primarily affects women, resulting in  
14   crippling bone fractures; and  
15   WHEREAS, osteoporosis is a progressive disease that  
16   generally is revealed with bone fractures occurring in  
17   the hips, spine, and wrists; and  
18   WHEREAS, the prevalence of osteoporosis in Iowa  
19   continues to grow, with an estimated one out of every  
20   three women and one out of every eight men in Iowa  
21   affected, and by 2015, the Iowa Department of Public  
22   Health estimates the annual cost to Iowans for  
23   treatment, and long-term care, and other needs could  
24   reach \$229 million; and  
25   WHEREAS, osteoporosis can be prevented or slowed  
26   with education, regular exercise beginning in  
27   childhood, and proper nutrition, especially  
28   consumption of calcium; and  
29   WHEREAS, low-bone density and osteoporosis can be  
30   detected through bone density testing and treated with

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1    certain medications; and  
2    WHEREAS, bone density testing is noninvasive, and  
3    can be conducted simply and painlessly; and  
4    WHEREAS, the Iowa Osteoporosis Coalition, Inc., the  
5    Iowa Pharmacy Association, and Hy-Vee Food Stores are  
6    recognized as contributors to making bone density  
7    testing more available, in part by providing bone  
8    density testing at the Capitol in conjunction with  
9    Osteoporosis Awareness Day on April 12, 2001; and  
10   WHEREAS, educational efforts to raise awareness  
11   regarding osteoporosis should be targeted both to  
12   youth, who are increasingly substituting consumption  
13   of soft drinks in place of milk, and to adults; NOW  
14   THEREFORE,

15 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 16 REPRESENTATIVES CONCURRING, That the Iowa General  
 17 Assembly designates April 12, 2001, as Osteoporosis  
 18 Awareness Day.

19 BE IT FURTHER RESOLVED, That Iowa health care  
 20 professionals, county health departments, public and  
 21 private schools, hospitals, area agencies on aging,  
 22 employer-operated wellness programs, health care  
 23 insurers, health care benefit management  
 24 organizations, women's groups, nonprofit  
 25 organizations, professional associations, religious  
 26 and other community-based organizations, and others  
 27 who can provide educational information to youth and  
 28 adults are encouraged to provide general educational  
 29 information to the public concerning osteoporosis, as  
 30 well as the methods for preventing osteoporosis, the

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1 importance of bone density testing and other means of  
 2 detecting low-bone density osteoporosis, and  
 3 approaches for treating osteoporosis.

4 BE IT FURTHER RESOLVED, That the Iowa Osteoporosis  
 5 Coalition, Inc., the Iowa Pharmacy Association, and  
 6 Hy-Vee Food Stores are thanked for providing bone  
 7 density testing at the Capitol in conjunction with  
 8 Osteoporosis Awareness Day.

9 BE IT FURTHER RESOLVED, That upon passage of this  
 10 Resolution, an official copy shall be sent by the  
 11 Secretary of the Senate to the Iowa Department of  
 12 Public Health for dissemination as part of its efforts  
 13 to educate the public concerning osteoporosis.

**SENATE CONCURRENT RESOLUTION 24:** filed from the  
 floor; adopted by the Senate on April 16, 2001; amended and adopted  
 by the House on April 18, 2001; concurred and adopted by the Senate  
 on April 19, 2001.

1 SENATE CONCURRENT RESOLUTION 24  
 2 By: Iverson, Kramer, Gronstal, and Jensen  
 3 (COMPANION TO LSB 1871HH BY SIEGRIST)  
 4 A Senate concurrent resolution marking the completion of the  
 5 exterior restoration of the Iowa State Capitol and  
 6 honoring the contractors, subcontractors, artisans,  
 7 skilled workers, and state employees who contributed  
 8 to the effort to complete the restoration.  
 9 WHEREAS, the Iowa State Capitol has long been a  
 10 source of pride for the citizens of Iowa since its  
 11 dedication in 1884; and  
 12 WHEREAS, the beautifully ornate Iowa State Capitol  
 13 is a shining landmark for all of Iowa and is listed in

14 the National Register of Historic Places; and  
15 WHEREAS, when the exterior of this magnificent  
16 building began to crumble, citizens of the state  
17 demanded that the Capitol be restored to its original  
18 beauty and grace; and  
19 WHEREAS, pursuant to an appropriation made by the  
20 Iowa General Assembly in 1983, the Department of  
21 General Services commenced the exterior restoration of  
22 the Iowa State Capitol; and  
23 WHEREAS, the exterior restoration of the Iowa State  
24 Capitol included replacement of the eroding sandstone,  
25 repair of the small copper-covered domes at each  
26 corner of the building, repair and replacement of  
27 wooden window sashes, and regilding of the magnificent  
28 dome with gold leaf; and  
29 WHEREAS, the following contractors and  
30 subcontractors, and persons employed thereby,

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1 dedicated much time and effort toward restoring the  
2 exterior of the Capitol: Baker Electric Inc.; Bybee  
3 Stone; Color Inc.; Conrad Schmidt Studios Inc.;  
4 EverGreene Painting Studios Inc.; Forman Ford Glass  
5 Co.; Forrest & Associates Inc.; Gardner Sandblasting &  
6 Painting Inc.; Iowa Scaffold Co. Inc.; Johnson Machine  
7 Works Inc.; Ken Kenoyer Caulking Co.; Neumann Brothers  
8 Inc.; Proctor Mechanical Corp.; Seedorff Masonry Inc.;  
9 Sheet Metal Workers; Taylor Ball; Two Rivers Glass and  
10 Door Inc.; Weatherguard Service Inc.; Wood Roofing  
11 Co.; and Woodcraft Architectural Millwork; and  
12 WHEREAS, several hundred artisans and skilled  
13 workers considered their roles in the Capitol  
14 restoration as the crowning achievement of their  
15 careers and devoted many years of their lives to  
16 returning the magnificent State Capitol to its  
17 original glory; and  
18 WHEREAS, the safety of the artisans and workers was  
19 always important to the State of Iowa and to the  
20 contractors and subcontractors and the importance of  
21 using safe procedures meant that during the period  
22 between 1983 and 2001, no serious injuries were  
23 reported; and  
24 WHEREAS, many state employees in the legislative  
25 and executive branches proudly devoted significant  
26 time and effort to completing the exterior restoration  
27 of the building; and  
28 WHEREAS, the exterior restoration of the Iowa State  
29 Capitol will be completed in 2001; NOW THEREFORE,  
30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

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1 REPRESENTATIVES CONCURRING, That the Iowa General  
2 Assembly proudly marks the celebrated completion of  
3 the exterior restoration of the Iowa State Capitol in  
4 2001 and honors all persons who contributed their time  
5 and effort to the successful restoration of the  
6 building's exterior; and  
7 BE IT FURTHER RESOLVED, That copies of this  
8 Resolution be made available to the artisans and  
9 skilled workers who labored to restore the exterior of  
10 the Iowa State Capitol.

**SENATE CONCURRENT RESOLUTION 26:** filed April 24,  
2001; adopted by the Senate on April 25, 2001; adopted by the House  
on May 8, 2001.

1 SENATE CONCURRENT RESOLUTION 26  
2 By: Committee on Rules and Administration  
3 (SUCCESSOR TO LSB 3676XC)  
4 A Senate concurrent resolution requesting that the Attorney  
5 General of the State of Iowa vigorously enforce Iowa  
6 corporate farming law which prohibits processors from  
7 owning, controlling, or operating a feedlot in Iowa  
8 in which hogs or cattle are fed for slaughter.  
9 WHEREAS, under Iowa Code section 9H.2 of Iowa's  
10 corporate farming law, it is unlawful for any  
11 processor of beef or pork to own, control, or operate  
12 a feedlot in Iowa in which hogs or cattle are fed for  
13 slaughter; and  
14 WHEREAS, processors are attempting to circumvent  
15 the legal prohibitions provided in Iowa Code section  
16 9H.2 by using various direct and indirect schemes to  
17 control feedlots, including by providing financing to  
18 or executing production contracts with persons who own  
19 or operate feedlots in Iowa; and  
20 WHEREAS, Smithfield Foods, Inc. has financed the  
21 acquisition by Stoecker Farms, Inc. of the Iowa  
22 operations of Murphy Family Farms; and  
23 WHEREAS, it is the sense of the Iowa General  
24 Assembly that the use by processors of various direct  
25 and indirect schemes to control feedlots in Iowa in  
26 which hogs or cattle are fed for slaughter constitutes  
27 the impermissible control of a feedlot in violation of  
28 Iowa Code section 9H.2; and  
29 WHEREAS, vertical integration of the livestock  
30 industry threatens the viability of Iowa farmers and

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1 injures Iowa consumers; and  
2 WHEREAS, the Attorney General of the State of Iowa  
3 is responsible for the enforcement of Iowa's corporate  
4 farming law, including Iowa Code section 9H.2, by  
5 instituting suits on behalf of the state to prevent  
6 and restrain violations of that section and to seek  
7 civil penalties as provided in Iowa Code section 9H.3;  
8 NOW THEREFORE,  
9 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
10 REPRESENTATIVES CONCURRING, That the Iowa General  
11 Assembly urges the Attorney General of the State of  
12 Iowa to enforce the provisions of Code section 9H.2  
13 against processors who use any direct or indirect  
14 scheme in order to own, operate, or control a feedlot  
15 in Iowa in which hogs or cattle are fed for slaughter,  
16 including the vigorous enforcement of provisions  
17 prohibiting processors from providing financing to  
18 persons who own or operate such feedlots or  
19 controlling such feedlots by use of production  
20 contracts.  
21 BE IT FURTHER RESOLVED, That, upon passage, a copy  
22 of this Resolution be sent by the Secretary of the  
23 Senate to the Attorney General of the State of Iowa.



**SENATE RESOLUTIONS AND  
CONCURRENT RESOLUTION**

**Adopted and not Previously  
Printed During the**

**Seventy-Ninth General Assembly**

**2001 Extraordinary Session**

## RESOLUTIONS ADOPTED

Senate resolutions and concurrent resolution adopted and not previously printed during the Seventy-ninth General Assembly, 2001 Extraordinary Session.

**SENATE RESOLUTION 52:** filed from the floor; adopted by the Senate on June 19, 2001.

1                               SENATE RESOLUTION 52  
2    By: Committee on Rules and Administration  
3    A Senate resolution urging the Iowa congressional delegation  
4    to support and work to implement the renewal of the  
5    trade promotion authority of the President of the  
6    United States.  
7    WHEREAS, since 1974, Presidents of the United  
8    States used trade promotion authority, formerly known  
9    as fast track authority, to negotiate trade agreements  
10   that reduced barriers to American exports in foreign  
11   markets; and  
12   WHEREAS, the President of the United States has  
13   been without trade promotion authority since 1994; and  
14   WHEREAS, it is increasingly difficult for the  
15   United States to actively participate in the  
16   international trade arena; and  
17   WHEREAS, of the current 130 multilateral trade  
18   agreements in the world, most of which were signed  
19   since 1990, the United States is party to only two,  
20   the European Union is party to 27, and Mexico is party  
21   to 28; and  
22   WHEREAS, under trade promotion authority, trade  
23   agreements are submitted to Congress for approval or  
24   disapproval under rules barring committee or floor  
25   amendments; and  
26   WHEREAS, trade promotion authority does not give  
27   the President of the United States a blank check to  
28   negotiate trade agreements, nor does it undermine the  
29   constitutional prerogatives of Congress; and  
30   WHEREAS, if the President of the United States

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1   cannot wield trade promotion authority, no country  
2   will initiate serious trade negotiations with the  
3   United States; and  
4   WHEREAS, trade promotion authority guarantees that  
5   trade accords negotiated in good faith with the  
6   President of the United States will not be changed  
7   later by Congress; and  
8   WHEREAS, the free trade agreements achieved under  
9   trade promotion authority have provided tangible

10 benefits for the American economy; and  
 11 WHEREAS, trade is vitally important to Iowa's  
 12 agricultural economy and Iowa family farmers as Iowa  
 13 sold \$3.2 billion of agricultural products to export  
 14 markets in 1999, about 30 percent of the total value  
 15 of Iowa's agricultural production; NOW THEREFORE,  
 16 BE IT RESOLVED BY THE SENATE, That the Iowa  
 17 congressional delegation is urged to support and work  
 18 to implement renewal of the trade promotion authority  
 19 of the President of the United States; and  
 20 BE IT FURTHER RESOLVED, That official copies of  
 21 this Resolution be sent to the members of the Iowa  
 22 congressional delegation.

**SENATE RESOLUTION 53:** filed from the floor, 2001; adopted by the Senate on April 19, 2001.

1 SENATE RESOLUTION 53  
 2 By: Iverson and Gronstal  
 3 A Senate resolution honoring Nobel Peace Prize Laureate  
 4 Dr. Norman E. Borlaug, and recognizing his  
 5 contributions to alleviating world hunger and  
 6 malnutrition, including the founding of the World  
 7 Food Prize.  
 8 WHEREAS, October 2001 marks the fifteenth  
 9 anniversary of the founding of Iowa's World Food  
 10 Prize; and  
 11 WHEREAS, the year 2001 is the one hundredth  
 12 anniversary of awarding the Nobel Peace Prize; and  
 13 WHEREAS, in 1970 Dr. Norman E. Borlaug received the  
 14 Nobel Peace Prize as father of the "Green Revolution"  
 15 which has resulted in saving millions of human lives  
 16 in the world by averting famine and alleviating hunger  
 17 and malnutrition; and  
 18 WHEREAS, Nobel Peace Prize Laureate Dr. Norman E.  
 19 Borlaug envisioned the creation of the World Food  
 20 Prize, which would be the equivalent of the Nobel  
 21 Peace Prize for the advancement of human development  
 22 by improving the quality, quantity, and availability  
 23 of food in the world; and  
 24 WHEREAS, the World Food Prize Foundation has been  
 25 endowed by Des Moines philanthropist Mr. John Ruan,  
 26 which has enabled the annual \$250,000 award to be  
 27 presented to laureates from around the world,  
 28 including the People's Republic of China, Mexico,  
 29 Bangladesh, India, Switzerland, the United Kingdom,  
 30 and the United States; and

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1 WHEREAS, the General Assembly and the State of Iowa  
 2 have for 10 years demonstrated a stalwart commitment

3 to the World Food Prize; and  
 4 WHEREAS, on October 18 and 19 of 2001, the World  
 5 Food Prize Foundation will conduct an International  
 6 Symposium in Des Moines, in honor of Dr. Borlaug; NOW  
 7 THEREFORE,  
 8 BE IT RESOLVED BY THE SENATE, That Iowans now and  
 9 in the future recognize Dr. Borlaug, a revered citizen  
 10 of this state and this nation, whose lasting  
 11 contributions to improving the world's food supply and  
 12 establishing the World Food Prize have benefited human  
 13 development and inspired persons to continue in his  
 14 great work; and  
 15 BE IT FURTHER RESOLVED, That the State of Iowa, on  
 16 behalf of its citizens, expresses its great admiration  
 17 for Dr. Borlaug and conveys its sincere appreciation  
 18 for his lifetime dedication to uplifting the poor and  
 19 feeding the hungry; and  
 20 BE IT FURTHER RESOLVED, That communities of Iowa  
 21 take actions necessary to recognize Dr. Borlaug and  
 22 commemorate his achievements during the fifteenth  
 23 anniversary year of the World Food Prize; and  
 24 BE IT FURTHER RESOLVED, That educational  
 25 institutions in this state take actions necessary to  
 26 ensure that Dr. Borlaug's achievements and his  
 27 contributions to humanity are known to all students of  
 28 the state; and  
 29 BE IT FURTHER RESOLVED, That the General Assembly  
 30 endorse a proposal that October 16 of each year, World

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1 Food Day, be known in this state as Dr. Norman E.  
 2 Borlaug Day, to ensure that present and future  
 3 generations of Iowans will have occasion to honor Dr.  
 4 Borlaug and recall his heroic contribution to  
 5 humanity.

**SENATE CONCURRENT RESOLUTION 32:** filed from the floor; adopted by the Senate on June 19, 2001; adopted by the House on June 19, 2001.

1 SENATE CONCURRENT RESOLUTION 32  
 2 By: Committee on Rules and Administration  
 3 A Senate concurrent resolution to provide for  
 4 adjournment sine die.  
 5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
 6 That when adjournment is had on Tuesday, June 19,  
 7 2001, it be the final adjournment of the 2001  
 8 Extraordinary Session of the Seventy-ninth General  
 9 Assembly.

# MEMORIALS

## IN MEMORIAM

### Senators

Ted James Anderson.....	August 21, 1943 – November 22, 2000
Vincent S. Burke.....	May 17, 1920 – February 2, 2001
Robert J. Burns .....	August 22, 1922 – January 24, 2001
Charles F. Griffin.....	September 23, 1910 – November 18, 2000
Hilarius “Larry” Louis Heying .....	August 19, 1914 – January 25, 2001

## TED JAMES ANDERSON

Ted Anderson was born on August 21, 1943, in Waterloo, Iowa, to Russell and Kay Anderson. He passed away on November 22, 2000, in Des Moines, Iowa, at the age of 57. Those left to cherish his memory are his wife, Bonnie; six sons, Tom of Goddard, Kansas, Jim of Bellevue, Nebraska, Travis of Charleston, South Carolina, Chris of Humbel, Texas, and Tim and Nick, both of Waterloo; a daughter, Pamela Smith of Summerville, South Carolina; his parents, Russell and Kay Anderson of Independence; a brother Scott of Brandon; a sister Judi Christensen of Joshua, Texas; and eight grandchildren.

Mr. Anderson lived in Waterloo most of his life and recently resided in Clive, Iowa. He worked at John Deere Waterloo Tractor Works for 20 years. During that period, he served as secretary of the United Auto Workers Local 838 and was a vice president of the Iowa UAW CAP Council. Mr. Anderson was a veteran of the Air Force serving from 1961 to 1964. He was an active Black Hawk County Democrat, and in 1980 at the age of 37, he was elected to the Iowa Senate. He was chosen to serve as the ranking Democratic member of the Labor and Industrial Relations Committee, a rare assignment for a first-term legislator. He served in the Senate four years, from 1981 to 1984 during the 69th and 70th General Assemblies.

After serving in the Senate, he became a very effective lobbyist for 16 years. Some of the organizations he lobbied for are Animal Rescue League of Iowa Inc.; Prevent Child Abuse Iowa; American Federation of State, County and Municipal Employees (AFSME); Central Iowa Builders and Construction Trade Council; and the Iowa Library Association. Senator Anderson was dedicated to the cause of labor and worked to make the job site safer and to ensure that workers receive their fair wages. He was an avid pilot and flew many candidates and dignitaries around the state. Senator Anderson was a tireless campaigner and was known as a mentor and friend to the newly elected members of the legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Ted James Anderson, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate, and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MICHAEL GRONSTAL  
PATRICIA HARPER  
JOHN REDFERN  
Committee

## VINCENT S. BURKE

Vincent S. Burke was born on May 17, 1920, in Laverne, Minnesota, and was the son of James M. and Marion F. Sanders Burke. He passed away on February 2, 2001, at the age of 80 years. Those left to cherish his memory include his wife, Mary, and three children: Michael Burke of Cypress, California; Joanne Stager of Norco, California; and Alice Burke of San Juan Capistrano, California.

When he was a young boy, his family moved to Sioux City where he attended public school and graduated from East High School. He earned a bachelor of science degree in business administration and sociology from Morningside College. He received a master's degree in communications from the University of South Dakota in 1972.

He was a Woodbury County Democrat and was elected to the Iowa Senate in 1964. He served one year, 1965, in the 61st General Assembly. He contributed to his community by working for the state office of vocational rehabilitation. He held membership in the National Rehabilitation, the American Inter-Professional, and the Iowa Welfare Association. He was well known as an effective vocational rehab counselor, and many people he worked with maintained contact with him throughout the remainder of his life.

Senator Burke was an avid pilot. At the age of 15, he was involved in barnstorming, stunt flying, and wing walking, and he was one of the first skydivers. He was instrumental in creating the early aviation museum at the Sioux City airport. During World War II, he served in air intelligence.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Senator Vincent S. Burke, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate, and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

STEVEN D. HANSEN  
STEVE KING  
JOHN REDWINE  
Committee

## ROBERT J. BURNS

Robert J. "Bob" Burns was born on August 22, 1922, in Iowa City to John and Regina Cash Burns. He married Ada M. Wilson on June 15, 1944, in Muskogee, Oklahoma. On January 24, 2001, he passed away in Cedar Rapids, Iowa, at the age of 78 years. Those left to cherish his memory are three sons, Michael of North Liberty, Stephen of Iowa City, and Tony of Marion; four daughters, Linda Langenberg of Marion, Sheila Kavanaugh of Eliot, Maine, Margery Burns of Iowa City, and Maureen Laxpati of Chicago; one sister, Alice Kral of Phoenix, Arizona; and twelve grandchildren and four great-grandchildren.

In 1940, he graduated from Cosgrove High School and attended the University of Iowa before enlisting in the Army. He served in World War II as a sergeant in the 42nd Rainbow Division. He attended the University of Kansas while he was in the military.

In 1964, he was elected to the Iowa Senate from Johnson County. He served from 1965 until 1968, through the 61st and 62nd General Assemblies. Senator Burns served nine years on the Johnson County Board of Supervisors where he worked to expand human services that are offered to children, juveniles, and persons with mental health and developmental disabilities. He worked to expand a county transportation system for older citizens. He promoted cooperation between the state, county, cities and towns and helped develop a land use plan within the county to emphasize the wishes of the public for orderly development and beauty. Another of his interests was the preservation of the courthouse and the first county asylum.

Senator Burns and his family were long-time Cosgrove residents where they operated a Cosgrove store until 1966 when they moved to Iowa City. Senator Burns owned and operated County and Municipal Consultants and was a labor negotiator. In 1975, Senator Burns was selected to the President's Advisory Committee on Intergovernmental Relations.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Robert J. Burns, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate, and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JOE BOLKCOM  
ROBERT E. DVORSKY  
THOMAS L. FIEGEN  
Committee

## CHARLES F. GRIFFIN

Charles F. Griffin was born on September 23, 1910, in Mapleton, Iowa, to Charles Griffin and Ida Eselia Schurnk Griffin. He passed away on November 18, 2000, at his home at the age of 90 years. Those left to cherish his memory are his wife Alice; a daughter Patricia Ress of Omaha; three grandchildren; and five great-grandchildren.

Mr. Griffin graduated from the University of Iowa in June 1934. While in college he supported himself by playing in a dance band at the Hawks' Nest in Iowa City where he met his wife Alice. He was a pharmacist in Illinois, Cedar Rapids, and Marshalltown. Governor William Beardsley appointed him to the Iowa Board of Pharmacy Examiners.

In 1962, he was elected to the Iowa Senate from Monona and Harrison counties and served from 1963 through 1966 in the 60th and 61st General Assemblies. While in the Senate, he won recognition from the Iowa Sheriff's Association for his work promoting legislation designed to guarantee workers more efficiency in the work place and safety on the job. Senator Griffin was concerned about the well-being of fire fighters and helped advance legislation on their behalf.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Charles F. Griffin, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate, and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

NANCY BOETTGER  
STEVE KING  
JOHN REDWINE  
Committee

## HILARIUS “LARRY” LOUIS HEYING

Hilarius Heying was born in Winneshiek County on August 19, 1914, to John and Elizabeth Bodensteiner Heying. He passed away on January 25, 2001, at the age of 86 years. Those left to remember him are his wife, Josephine; his children, Terrance Jon Heying of Willmar, Minnesota, Sondra Kay Whaley of Burr Ridge, Illinois, Charles Hilarius Heying of Portland, Oregon, and Therese Jo Slack of West Union, Iowa; and nine grandchildren and four great-grandchildren.

Mr. Heying graduated from Columbia Academy in Dubuque, Iowa, and on January 6, 1937, he married Josephine Langreck of St. Lucas, Iowa. “Larry” and Jo Heying started farming and became affiliated with Hy-Line Poultry Farms of Des Moines, later purchasing the Hy-Line franchise. The business grew into a pullet-growing, egg-laying and shell egg operation, and eventually grain farming and hogs were added to the operation.

Mr. Heying was a Fayette County Democrat and was elected to the Iowa Senate in 1964. He served from 1965 to 1968 in the 61st and 62nd General Assemblies. In 1972, he was elected to serve from 1973 to 1976 in the 65th and 66th General Assemblies. Senator Heying was a leader in the development of the Volga Lake project in northeast Iowa and was instrumental in starting the vocational technical schools. Senator Heying was a founding member and vice president of Iowans for Tax Relief, and he and was a charter member of the West Union Ambassadors. He received the Lifetime Service Award from the Iowa Poultry Association, and many service awards from Hy-Line International. In 1993, he received the Distinguished Service to Agriculture Award from the Iowa Farm Bureau. Senator Heying was a member of Holy Name Catholic Church, serving as trustee for 25 years. He belonged to Rotary International, and the Knights of Columbus St. Thomas Moore Council. He was a 4th Degree Knight.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Hilarius Heying, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate, and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

KITTY REHBERG  
 BETTY SOUKUP  
 MARK ZIEMAN  
 Committee

*State of Iowa*

**JOURNAL  
OF THE SENATE**

**SEVENTY-NINTH  
GENERAL ASSEMBLY**

**2001 SECOND  
EXTRAORDINARY SESSION**

**November 8, 2001**

**MARY E. KRAMER, President of the Senate  
MICHAEL E. MARSHALL, Secretary of the Senate**

# JOURNAL OF THE SENATE

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FIRST CALENDAR DAY  
FIRST SESSION DAY  
SECOND EXTRAORDINARY SESSION

State Capitol, Room 116  
Des Moines, Iowa, Thursday, November 8, 2001

Pursuant to the proclamation of the Governor, the Honorable Thomas J. Vilsack, convening the Seventy-ninth General Assembly in Extraordinary Session, the Senate was called to order at 9:18 a.m. by the Honorable Mary E. Kramer, President of the Senate.

Prayer was offered by the Honorable John P. “Jack” Kibbie, member of the Senate from Palo Alto County, Emmetsburg, Iowa.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

## COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

November 1, 2001

The Honorable Mary Kramer  
President of the Senate  
State Capitol  
LOCAL

The Honorable Brent Siegrist  
Speaker of the House  
State Capitol  
LOCAL

I hereby submit the Proclamation setting the Second Extraordinary Session of the Iowa Legislature to convene at 9:00 a.m., November 8, 2001.

Sincerely,  
THOMAS J. VILSACK  
Governor

STATE OF IOWA  
*Executive Department*

In The Name And By The Authority Of The State Of Iowa

PROCLAMATION

*Whereas*, the 2001 Regular Session of the Seventy-ninth General Assembly adjourned pursuant to House Concurrent Resolution 39; and

*Whereas*, the nation's economy has experienced a severe downturn that has been exacerbated by the tragic events of September 11th; and

*Whereas*, on October 11th, the state's revenue estimating conference reduced its projection of state revenue for fiscal year 2002 by \$157.5 million; and

*Whereas*, by executive order, I have directed a uniform modification of allotment requests, pursuant to Iowa Code Section 8.31, to achieve an annual 4.3 percent budget reduction for fiscal year 2002; and

*Whereas*, the General Assembly should adopt prudent and necessary legislation to restore funds to targeted areas of the state budget, following the across-the-board budget reductions implemented by Executive Order Number Twenty-Four.

*Now, Therefore*, I, Thomas J. Vilsack, Governor of the State of Iowa, in accordance with Article IV, Section XI, of the Constitution of the State of Iowa, do hereby proclaim that the Seventy-ninth General Assembly shall convene in extraordinary session in Des Moines, Iowa, at 9:00 a.m. on the eighth day of November, 2001, and to that end I do call up and direct the members of the House of Representatives to convene in the House Chamber at the State Capitol and members of the Senate to convene in Room 116 at the State Capitol at 9:00 a.m. on the eighth day of November, 2001, for the purpose which the assembly is convened, namely the matter of considering prudent and necessary legislation to restore funds to targeted areas of the state budget, following the annual 4.3 percent budget reduction for fiscal year 2002, and matters properly related thereto.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 1st day of November in the year of our Lord two thousand one.

THOMAS J. VILSACK, Governor

(SEAL)

Attest:

CHESTER J. CULVER  
Secretary of State

## ORGANIZATION OF THE SENATE

Senator Iverson moved that the determination of mileage of senators and all other organizational or administrative matters not specifically provided for in Joint Rule 3 be the same for this Second Extraordinary Session as for the 2001 Regular Session of the Seventy-ninth General Assembly.

The motion prevailed by a voice vote.

### SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate was organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed by a voice vote.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, pursuant to the November 1, 2001, proclamation of the Governor, duly organized for the Second Extraordinary Session of the Seventy-ninth General Assembly and is ready to receive communications from the Senate.

The Senate stood at ease at 9:30 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:52 a.m., Senator Boettger presiding.

### RECESS

On motion of Senator Holveck, the Senate recessed at 11:53 a.m. until the completion of meetings of the committees on State Government and Appropriations.

## AFTERNOON SESSION

The Senate reconvened at 3:26 p.m., President Kramer presiding.

## INTRODUCTION OF BILLS

**Senate File 547**, by Shearer, a bill for an act relating to the abatement of state sales and use taxes and local sales and service taxes of purchasers of certain access to on-line computer services and providing refunds, and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

**Senate File 548**, by Shearer, a bill for an act relating to the abatement of interest on state sales and use taxes and local sales and service taxes of purchasers of certain access to on-line computer services and providing refunds, and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

**Senate File 549**, by committee on Appropriations, a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

Read first time and placed on **Appropriations calendar**.

**Senate File 550**, by committee on State Government, a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

Read first time and **placed on calendar**.

The Senate stood at ease at 3:28 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:32 p.m., President Pro Tempore McKean presiding.

### INTRODUCTION OF BILLS

**Senate File 551**, by committee on Appropriations, a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates.

Read first time and **placed on Appropriations calendar.**

**Senate File 552**, by committee on Appropriations, a bill for an act relating to the reorganization of the department of human services and providing an effective date.

Read first time and **placed on Appropriations calendar.**

**Senate File 553**, by committee on Appropriations, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

Read first time and **placed on Appropriations calendar.**

**Senate File 554**, by committee on Appropriations, a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability.

Read first time and **placed on Appropriations calendar.**

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 759**, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

Read first time and **attached to companion Senate File 553**.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink, for the remainder of the day, on request of Senator Gronstal.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 760**, a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

Read first time and **attached to companion Senate File 550**.

### COMMITTEE REPORT

#### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 551 (LSB 5038sv), a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Black.

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 551.

### Senate File 551

On motion of Senator Kramer, **Senate File 551**, a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state's job classification system, and providing effective dates, was taken up for consideration.

Senator Kramer offered amendment S-3724, filed by her from the floor to page 4 of the bill, and moved its adoption.

Amendment S-3724 was adopted by a voice vote.

Senator Kramer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 551), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley

Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink	McCoy
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## COMMITTEE REPORT

### STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 550 (LSB 5110xc), a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: King, Lamberti, Kibbie, Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Houser, Jensen, Maddox, McKean, Rittmer, and Sexton. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake, until he returns, on request of Senator Iverson.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 550.

### Senate File 550

On motion of Senator Lamberti, **Senate File 550**, a bill for an act relating to the state general fund expenditure limitation and

budgeting practices and including effective date and applicability provisions, was taken up for consideration.

Senator Lamberti asked and received unanimous consent that **House File 760** be **substituted** for **Senate File 550**.

### **House File 760**

On motion of Senator Lamberti, **House File 760**, a bill for an act relating to the state general fund expenditure limitation and budgeting practices and including effective date and applicability provisions, was taken up for consideration.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 760), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Drake	Fink
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### WITHDRAWN

Senator Lamberti asked and received unanimous consent that **Senate File 550** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 551** and **House File 760** be **immediately messaged** to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 763**, a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability.

Read first time and **attached to similar Senate File 554**.

**House File 764**, a bill for an act relating to the reorganization of the department of human services and providing an effective date.

Read first time and **attached to similar Senate File 552**.

## COMMITTEE REPORT

## APPROPRIATIONS

**Final Bill Action:** SENATE FILE 554 (LSB 5187sv), a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Ziemann. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 554.

**Senate File 554**

On motion of Senator Kramer, **Senate File 554**, a bill for an act relating to the establishment of a health services trust fund, providing an effective date, and providing for retroactive applicability, was taken up for consideration.

Senator Kramer offered amendment S-3726, filed by her from the floor to pages 1-3 and to the title page of the bill, and moved its adoption.

Amendment S-3726 was adopted by a voice vote.

Senator Kramer asked and received unanimous consent that **House File 763** be **substituted** for **Senate File 554**.

**House File 763**

On motion of Senator Kramer, **House File 763**, a bill for an act relating to the establishment of a hospital trust fund, providing an effective date, and providing for retroactive applicability, was taken up for consideration.

Senator Kramer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 763), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser

Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Kramer asked and received unanimous consent that **Senate File 554** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 763** be **immediately messaged** to the House.

President Kramer took the chair at 6:05 p.m.

### COMMITTEE REPORT

#### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 552 (LSB 5176sv), a bill for an act relating to the reorganization of the department of human services and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 19: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Deluhery, Gaskill, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Tinsman, Veenstra, and Zieman. Nays, 6: Bolkcom, Connolly Dvorsky, Fiegen, Hammond, and Soukup. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 552.

**Senate File 552**

On motion of Senator Veenstra, **Senate File 552**, a bill for an act relating to the reorganization of the department of human services and providing an effective date, was taken up for consideration.

Senator Veenstra offered amendment S-3729, filed by him from the floor to page 6 of the bill, and moved its adoption.

Amendment S-3729 was adopted by a voice vote.

Senator Veenstra asked and received unanimous consent that **House File 764** be **substituted** for **Senate File 552**.

**House File 764**

On motion of Senator Veenstra, **House File 764**, a bill for an act relating to the reorganization of the department of human services and providing an effective date, was taken up for consideration.

Senator Veenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 764), the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Black
Boettger	Deluhery	Drake	Flynn
Fraise	Freeman	Gaskill	Greiner
Gronstal	Hansen	Harper	Horn
Houser	Iverson	Jensen	Johnson
Kibbie	King	Kramer	Lamberti
Lundby	Maddox	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Tinsman	Veenstra	Zieman	

Nays, 10:

Bolkcom  
Fiegen  
Shearer

Connolly  
Hammond  
Soukup

Dearden  
Holveck

Dvorsky  
McCoy

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate File 552** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 764** be **immediately messaged** to the House.

The Senate stood at ease at 6:28 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 6:39 p.m., President Kramer presiding.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 551**, a bill for an act relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per

supervisor and to evaluate the state's job classification system, and providing effective dates.

## COMMITTEE REPORT

### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 553 (LSB 5152sv), a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 553.

### Senate File 553

On motion of Senator Lamberti, **Senate File 553**, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001, and including effective date and applicability provisions, was taken up for consideration.

Senator Lamberti asked and received unanimous consent that **House File 759** be substituted for **Senate File 553**.

### House File 759

On motion of Senator Lamberti, **House File 759**, a bill for an act relating to public funding and regulatory matters and making and reducing appropriations for the fiscal year beginning July 1, 2001,

and including effective date and applicability provisions, was taken up for consideration.

Senator Flynn offered amendment S-3727, filed by Senator Flynn, et al., from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3727 be adopted?" (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Amendment S-3727 lost.

Senator Dvorsky offered amendment S-3720, filed by Senator Dvorsky, et al., from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3720 be adopted?" (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Amendment S-3720 lost.

Senator Connolly offered amendment S-3722, filed by him from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3722 be adopted?" (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg

Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Amendment S-3722 lost.

Senator Kibbie offered amendment S-3723, filed by Senator Kibbie, et al., from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3723 be adopted?" (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Amendment S-3723 lost.

Senator Hammond offered amendment S-3725, filed by Senator Hammond, et al., from the floor to pages 9 and 10 of the bill.

Senator Hammond called for the following division of amendment S-3725:

Division S-3725A: Lines 3-21; and

Division S-3725B: Lines 22-33.

Senator Hammond moved the adoption of division S-3725A.

A record roll call was requested.

On the question "Shall division S-3725A be adopted?" (H.F. 759), the vote was:

Ayes, 19:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Kibbie
McCoy	Shearer	Soukup	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Drake	Freeman	Gaskill	Greiner
Houser	Iverson	Jensen	Johnson
King	Kramer	Lamberti	Lundby
Maddox	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Tinsman
Veenstra	Zieman		

Absent or not voting, 1:

Fink

Division S-3725A lost.

Senator Hammond asked and received unanimous consent that action on division S-3725B be deferred.

Senator Hansen offered amendment S-3719, filed by Senator Hansen, et al., from the floor to page 10 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3719 be adopted?” (H.F. 759), the vote was:

Ayes, 21:

Black	Bolkcom	Connolly	Dearden
Deluhery	Dvorsky	Fiegen	Flynn
Fraise	Freeman	Gronstal	Hammond
Hansen	Harper	Holveck	Horn
Kibbie	McCoy	Miller	Shearer
Soukup			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Drake	Gaskill	Greiner	Houser
Iverson	Jensen	Johnson	King
Kramer	Lamberti	Lundby	Maddox
McKean	McKibben	McKinley	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Sexton	Tinsman	Veenstra	Zieman

Absent or not voting, 1:

Fink

Amendment S-3719 lost.

The Senate resumed consideration of division S-3725B, previously deferred.

Senator Hammond asked and received unanimous consent to withdraw division S-3725B.

Senator King offered amendment S-3730, filed by him from the floor to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3730 be adopted?” (H.F. 759), the vote was:

Ayes, 5:

Freeman	King	Miller	Rehberg
Zieman			

Nays, 44:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Gaskill	Greiner
Gronstal	Hammond	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Johnson	Kibbie	Kramer
Lamberti	Lundby	Maddox	McCoy
McKean	McKibben	McKinley	Redfern
Redwine	Rittmer	Schuerer	Sexton
Shearer	Soukup	Tinsman	Veenstra

Absent or not voting, 1:

Fink

Amendment S-3730 lost.

Senator King offered amendment S-3731, filed by him from the floor to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3731 be adopted?" (H.F. 759), the vote was:

Ayes, 4:

King	Miller	Rehberg	Zieman
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Nays, 45:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	Johnson	Kibbie
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Redfern	Redwine	Rittmer	Schuerer
Sexton	Shearer	Soukup	Tinsman
Veenstra			

Absent or not voting, 1:

Fink

Amendment S–3731 lost.

Senator Lamberti moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 759), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hansen	Harper
Holveck	Horn	Houser	Iverson
Jensen	Johnson	Kibbie	King
Kramer	Lamberti	Lundby	Maddox
McCoy	McKean	McKibben	McKinley
Miller	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Sexton	Shearer
Soukup	Tinsman	Veenstra	Zieman

Nays, 1:

Hammond

Absent or not voting, 1:

Fink

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate File 553** be **withdrawn** from further consideration of the Senate.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on November 8, 2001, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 762**, a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

Read first time and **attached to similar Senate File 549**.

ALSO: That the House has on November 8, 2001, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 42**, a concurrent resolution to provide for adjournment sine die.

Read first time and **passed on file**.

## COMMITTEE REPORT

### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 549 (LSB 5174sv), a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Lamberti, Kramer, Flynn, Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman. Nays, none. Absent or not voting, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 549, and they were attached to the committee report.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soukup, until she returns, on request of Senator Gronstal.

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 549.

### **Senate File 549**

On motion of Senator Angelo, **Senate File 549**, a bill for an act relating to homeland security by authorizing the governor and other state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date, was taken up for consideration.

Senator Angelo offered amendment S-3721, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-3721 was adopted by a voice vote.

Senator Bartz offered amendment S-3718, filed by him from the floor to page 10 of the bill, and moved its adoption.

Amendment S-3718 was adopted by a voice vote.

Senator Angelo offered amendment S-3728, filed by him from the floor to page 10 of the bill, and moved its adoption.

Amendment S-3728 was adopted by a voice vote.

Senator Angelo asked and received unanimous consent that **House File 762** be **substituted** for **Senate File 549**.

### **House File 762**

On motion of Senator Angelo, **House File 762**, a bill for an act relating to homeland security by authorizing the governor and other

state officers to use state resources for, defend against, and manage the consequences of a terrorist attack in this state, and providing a retroactive effective date, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 762), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Bolkcom	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fiegen
Flynn	Fraise	Freeman	Gaskill
Greiner	Gronstal	Hammond	Hansen
Harper	Holveck	Horn	Houser
Iverson	Jensen	Johnson	Kibbie
King	Kramer	Lamberti	Lundby
Maddox	McCoy	McKean	McKibben
McKinley	Miller	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Sexton
Shearer	Tinsman	Veenstra	Zieman

Nays, none.

Absent or not voting, 2:

Fink	Soukup
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Angelo asked and received unanimous consent that **Senate File 549** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 759** and **762** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 42.

Senator Gronstal moved to waive the Rules and Administration committee meeting with respect to House Concurrent Resolution 42.

The motion prevailed by a voice vote.

**House Concurrent Resolution 42**

On motion of Senator Iverson **House Concurrent Resolution 42**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 42, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 42** be **immediately messaged** to the House.

SECRETARY TO NOTIFY THE  
GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and to the House to inform them that the Senate was prepared to adjourn sine die pursuant to House Concurrent Resolution 42.

The motion prevailed by a voice vote.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House is prepared to adjourn the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly pursuant to House Concurrent Resolution 42, duly adopted.

### MOTION TO ADJOURN ADOPTED

Senator Iverson moved that the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly adjourn sine die in accordance with House Concurrent Resolution 42, duly adopted.

The motion prevailed by a voice vote.

### FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 42, duly adopted, the day of November 8, 2001, having arrived, President Kramer declared the 2001 Second Extraordinary Session of the Seventy-ninth General Assembly adjourned sine die.

**APPENDIX**

**COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau during the 2001 interim:

July 10, 2001

**DEPARTMENT OF TRANSPORTATION**

2001 Airport Sufficiency Summary Report, pursuant to Iowa Code section 328.12.

July 12, 2001

**DEPARTMENT OF JUSTICE**

Report from the Consumer Advocate relating to price regulation for telecommunications services, pursuant to Iowa Code Chapter 475A.

July 23, 2001

**DEPARTMENT OF HUMAN SERVICES**

Iowa Federation of Families for Children's Mental Health report on family recommendations as developed at the Iowa Family Choices Conferences.

August 15, 2001

**ALCOHOLIC BEVERAGES DIVISION**

66th Annual Report for July 1, 1999 – June 30, 2000.

August 21, 2001

**DEPARTMENT OF NATURAL RESOURCES**

Energy Fund Disbursement Council Report to the Governor and General Assembly.

August 24, 2001

**MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA**

Report on Escalation Program, pursuant to Iowa Code section 411.6.

August 29, 2001

DEPARTMENT OF NATURAL RESOURCES

Iowa's 2000 Public Drinking Water Program Annual Compliance Report.

September 17, 2001

BOARD OF REGENTS

Annual report on College Bound and IMAGES programs, pursuant to Iowa Code sections 262.92 and 269.93.

DEPARTMENT OF TRANSPORTATION

Fiscal Year 2001 report of highway construction program, pursuant to Iowa Code section 307.12(14).

September 28, 2001

DEPARTMENT OF PERSONNEL

An Annual Review of Affirmative Action in the Executive Branch of State Government, pursuant to Iowa Code section 19B.5.

October 9, 2001

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Seventh Annual Report of the Office of Renewable Fuels and Co-Products — summary of activities July 1, 2000, to June 30, 2001.

DEPARTMENT OF TRANSPORTATION

2001 Iowa Primary Road Sufficiency Log, pursuant to Iowa Code section 307A.2(12).

October 18, 2001

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Iowa Watershed Task Force Report 2001, pursuant to Iowa Code section 161C.7.

October 22, 2001

DEPARTMENT OF NATURAL RESOURCES

Energy Fund Disbursement Council Annual Report updated pages reflecting the actual end of Fiscal Year 2001 expenditures and receipts (replacement pages).

DEPARTMENT OF PUBLIC SAFETY

2000 Incident-Based Iowa Uniform Crime Report — notification that the report in electronic form is available online.

October 31, 2001

DEPARTMENT OF TRANSPORTATION

Report of the Secondary Road Research Fund and Report of the Street Research Fund for the FY ending June 30, 2001, pursuant to Iowa Code sections 310.36 and 312.3A — notification that the reports in electronic form are available online.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

**Convened:** November 8, 2001, 1:39 p.m.

**Members Present:** Lamberti, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Angelo, Behn, Black, Bolkcom, Connolly, Deluhery, Dvorsky, Fiegen, Gaskill, Hammond, Horn, Jensen, King, Lundby, McKibben, Redfern, Rehberg, Schuerer, Soukup, Tinsman, Veenstra, and Zieman.

**Members Absent:** None.

**Committee Business:** Passed LSBs 5038xc, 5152xc, 5174xc, 5176xc, and 5187xc.

**Adjourned:** 3:15 p.m.

STATE GOVERNMENT

**Convened:** November 8, 2001, 12:08 p.m.

**Members Present:** King, Chair; Lamberti, Vice Chair; Kibbie, Ranking Member; Bolkcom, Connolly, Dearden, Deluhery, Drake, Fink, Houser, Jensen, Maddox, McKean, Rittmer, and Sexton.

**Members Absent:** None.

**Committee Business:** Passed LSB 5110xc.

**Adjourned:** 12:30 p.m.

SUBCOMMITTEE ASSIGNMENTS

**LSB 5038xc**

APPROPRIATIONS: Kramer, Chair; Connolly and Lamberti

**LSB 5110xc**

STATE GOVERNMENT: Lamberti, Chair; Kibbie and King

**LSB 5152xc**

APPROPRIATIONS: Lamberti, Chair; Flynn and Kramer

**LSB 5174xc**

APPROPRIATIONS: Angelo, Chair; Dvorsky and Jensen

**LSB 5176xc**

APPROPRIATIONS: Veenstra, Chair; Hammond and Lamberti

**LSB 5187xc**

APPROPRIATIONS: Kramer, Chair; Hammond and Veenstra

**COMPANION BILLS RECEIVED**

On November 8, 2001, House File 759 was received and attached to companion Senate File 553 on the Senate calendar.

ALSO:

On November 8, 2001, House File 760 was received and attached to companion Senate File 550 on the Senate calendar.

**SIMILAR BILLS RECEIVED**

On November 8, 2001, House File 762 was received and attached to similar Senate File 549 on the Senate calendar.

ALSO:

On November 8, 2001, House File 763 was received and attached to similar Senate File 554 on the Senate calendar.

ALSO:

On November 8, 2001, House File 764 was received and attached to similar Senate File 552 on the Senate calendar.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of November, 2001:

Senate File 551.

MICHAEL E. MARSHALL  
Secretary of the Senate

AMENDMENTS FILED

S-3718	S.F.	549	Merlin E. Bartz
S-3719	H.F.	759	Steven D. Hansen
			Matt McCoy
			Jack Holveck
			John P. Kibbie
			Michael E. Gronstal
			Robert E. Dvorsky
			Johnie Hammond
			Patricia Harper
			Joe Bolkcom
			Mike Connolly
			Tom Flynn
			Thomas Fiegen
			Betty A. Soukup
			Mark Shearer
			Dennis H. Black
			Wally E. Horn
S-3720	H.F.	759	Robert E. Dvorsky
			Joe Bolkcom
			Patricia Harper
			Johnie Hammond
S-3721	S.F.	549	Jeff Angelo
S-3722	H.F.	759	Mike Connolly
S-3723	H.F.	759	John P. Kibbie
			Wally E. Horn
			Steven D. Hansen
			Jack Holveck

			Eugene S. Fraise
			Betty A. Soukup
			Joe Bolkcom
			Patricia Harper
			Thomas Fiegen
			Mark Shearer
			Tom Flynn
			Dennis H. Black
S-3724	S.F.	551	Mary E. Kramer
S-3725	H.F.	759	Johnie Hammond
			Thomas L. Fiegen
			Patricia Harper
			Betty A. Soukup
S-3726	S.F.	554	Mary E. Kramer
S-3727	H.F.	759	Tom Flynn
			Michael E. Gronstal
			John P. Kibbie
			Dennis H. Black
			Jack Holveck
			Patricia Harper
			Joe Bolkcom
			Eugene S. Fraise
S-3728	S.F.	549	Jeff Angelo
S-3729	S.F.	552	Ken Veenstra
S-3730	H.F.	759	Steve King
S-3731	H.F.	759	Steve King

SENATE BILL APPROVED  
SUBSEQUENT TO ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2001 Second Extraordinary Session:

S.F. 551 – Relating to state government employment by providing termination incentive programs for eligible state employees, abolishing the workforce attrition program and fund, creating initiatives to increase the ratio of state employees per supervisor and to evaluate the state’s job classification system, and providing effective dates. Approved November 19.

**AMENDMENTS FILED**

**During the**

**Seventy-Ninth General Assembly**

**2001 Second Extraordinary Session**

**S-3718**

1 Amend Senate File 549 as follows:

2 1. Page 10, by inserting after line 23, the

3 following:

4 "Sec. 100. DEFINITION -- MILITARY SERVICE. For  
5 the purposes of sections 100 through 106, "military  
6 service" means full-time active state service, as  
7 defined in section 29A.1, or full-time state active  
8 duty, as defined in section 29A.1, for a period of at  
9 least ninety consecutive days.

10 Sec. 101. EVICTION OR DISTRESS DURING MILITARY  
11 SERVICE -- STAY -- PENALTY FOR NONCOMPLIANCE --  
12 ALLOTMENT OF PAY FOR PAYMENT.

13 1. No eviction or distress shall be made during  
14 the period of military service in respect of any  
15 premises for which the agreed rent does not exceed one  
16 thousand two hundred dollars per month, occupied  
17 chiefly for dwelling purposes by the spouse, child, or  
18 other dependent of a person in military service,  
19 except upon leave of court granted upon application or  
20 granted in an action or proceeding affecting the right  
21 of possession.

22 2. On any such application as provided in  
23 subsection 1, or in any such action as provided in  
24 subsection 1, the court may, in its discretion, on its  
25 own motion, and shall, on application, unless in the  
26 opinion of the court the ability of the tenant to pay  
27 the agreed rent is not materially affected by reason  
28 of such military service, stay the proceedings for not  
29 longer than three months. Where such stay is granted  
30 or other order is made by the court, the owner of the  
31 premises shall be entitled, upon application, to  
32 relief in respect of such premises similar to that  
33 granted persons in military service in sections 102  
34 and 103 of this Act to such extent and for such period  
35 as may appear to the court to be just.

36 Sec. 102. INSTALLMENT CONTRACTS FOR PURCHASE OF  
37 PROPERTY.

38 1. No person who has received, or whose assignor  
39 has received, under a contract for the purchase of  
40 real or personal property, or of lease or bailment  
41 with a view to purchase of such property, a deposit or  
42 installment of the purchase price, or a deposit or  
43 installment under the contract, lease, or bailment,  
44 from a person or from the assignor of a person who,  
45 after the date of payment of such deposit or  
46 installment, has entered military service, shall  
47 exercise any right or option under such contract to  
48 rescind or terminate the contract or resume possession  
49 of the property for nonpayment of any installment due  
50 or for any other breach of its terms occurring prior

Page 2

1 to or during the period of such military service,  
2 except by action in a court of competent jurisdiction.

3 2. Upon the hearing of such action as provided in  
4 subsection 1, the court may order the repayment of  
5 prior installments or deposits or any part, as a  
6 condition of terminating the contract and resuming  
7 possession of the property, or may, in its discretion,  
8 on its own motion, and shall, on application to it by  
9 such person in military service or some person on the  
10 person's behalf, order a stay of proceedings as the  
11 court deems just, unless in the opinion of the court,  
12 the ability of the defendant to comply with the terms  
13 of the contract is not materially affected by reason  
14 of such service; or it may make such other disposition  
15 of the case as may be equitable to conserve the  
16 interests of all parties.

17 Sec. 103. MORTGAGES, TRUST DEEDS, OR OTHER  
18 SECURITY.

19 1. The provisions of this section shall apply only  
20 to obligations secured by mortgage, trust deed, or  
21 other security in the nature of a mortgage upon real  
22 or personal property owned by a person in military  
23 service at the commencement of the period of the  
24 military service and still so owned by the person  
25 which obligations originated prior to the person's  
26 period of military service.

27 2. In any proceeding commenced in any court during  
28 the period of military service to enforce such  
29 obligation as provided in subsection 1 arising out of  
30 nonpayment of any sum due or out of any other breach  
31 of the terms of the mortgage, trust deed, or other  
32 security occurring prior to or during the period of  
33 such service the court may, after hearing, in its  
34 discretion, on its own motion, and shall, on  
35 application to it by such person in military service  
36 or some person on the defendant's behalf, unless in  
37 the opinion of the court the ability of the defendant  
38 to comply with the terms of the obligation is not  
39 materially affected by reason of the defendant's  
40 military service, do any of the following:

41 a. Stay the proceedings for such period as the  
42 court deems just.

43 b. Make such other disposition of the case as may  
44 be equitable to conserve the interests of all parties.

45 3. No sale, foreclosure, or seizure of property  
46 for nonpayment of any sum due under any such  
47 obligation as provided in subsection 1, or for any  
48 other breach of the terms thereof, whether under a  
49 power of sale, under a judgment entered upon warrant  
50 of attorney to confess judgment contained therein, or

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1 otherwise, shall be valid if made during the period of  
2 military service or within three months thereafter,  
3 except pursuant to an agreement between the parties,  
4 unless upon an order previously granted by the court  
5 and a return thereto made and approved by the court.

6 Sec. 104. TERMINATION OF LEASES BY LESSEES.

7 1. The provisions of this section shall apply to  
8 any lease covering premises occupied for dwelling,  
9 professional, business, agricultural, or similar  
10 purposes in any case in which such lease was executed  
11 by or on the behalf of a person who, after the  
12 execution of such lease, entered military service.

13 2. Any such lease as provided in subsection 1 may  
14 be terminated by notice in writing delivered to the  
15 lessor or to the lessor's agent by the lessee at any  
16 time following the date of the beginning of the period  
17 of military service. Delivery of such notice may be  
18 accomplished by placing it in an envelope properly  
19 stamped and duly addressed to the lessor or to the  
20 lessor's agent and depositing the notice in the United  
21 States mail. Termination of any such lease providing  
22 for monthly payment of rent shall not be effective  
23 until thirty days after the first date on which the  
24 next rental payment is due and payable subsequent to  
25 the date when such notice is delivered or mailed. In  
26 the case of all other leases, termination shall be  
27 effected on the last day of the month following the  
28 month in which such notice is delivered or mailed and  
29 in such case any unpaid rental for a period preceding  
30 termination shall be proratably computed and any  
31 rental paid in advance for a period succeeding  
32 termination shall be refunded by the lessor. Upon  
33 application by the lessor to the appropriate court  
34 prior to the termination period provided for in the  
35 notice, any relief granted in this subsection shall be  
36 subject to such modifications or restrictions as in  
37 the opinion of the court justice and equity may in the  
38 circumstances require.

39 Sec. 105. MAXIMUM RATE OF INTEREST. No obligation  
40 or liability bearing interest at a rate in excess of  
41 six percent per year incurred by a person in military  
42 service before that person's entry into that service  
43 shall, during any part of the period of military  
44 service, bear interest at a rate in excess of six  
45 percent per year unless, in the opinion of the court,  
46 upon application thereto by the obligee, the ability  
47 of such person in military service to pay interest  
48 upon such obligation or liability at a rate in excess  
49 of six percent per year is not materially affected by  
50 reason of such service, in which case the court may

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1 make such order as in its opinion may be just. As  
2 used in this section the term "interest" includes  
3 service charges, renewal charges, fees, or any other  
4 charges, except bona fide insurance, in respect of  
5 such obligation or liability.  
6 Sec. 106. PROVISIONS APPLY NOTWITHSTANDING  
7 CONTRARY CODE PROVISIONS. Sections 100 through 105 of  
8 this Act apply notwithstanding any contrary provision  
9 of state law, which may include but is not limited to  
10 Titles XIII, XIV, and XV.  
11 Sec. 107. Sections 100 through 106 of this Act are  
12 repealed on January 31, 2002."  
13 2. Page 10, line 27, by inserting after the word  
14 "date" the following: ", except that sections 100  
15 through 106 of this Act shall not be applied  
16 retroactively".  
17 3. By renumbering as necessary.

MERLIN E. BARTZ

### S-3719

1 Amend House File 759, as passed by the House, as  
2 follows:  
3 1. Page 10, line 13, by striking the figure  
4 "108,688,725" and inserting the following:  
5 "109,888,725".  
6 2. Page 10, by inserting after line 26 the  
7 following:  
8 "Sec. \_\_\_\_ COURT APPOINTED SPECIAL ADVOCATE  
9 PROGRAM. The judicial branch shall not eliminate the  
10 court appointed special advocate program and shall  
11 maintain the funding level for the program originally  
12 authorized as of July 1, 2001."  
13 3. By renumbering as necessary.

STEVEN D. HANSEN  
MATT McCOY  
JACK HOLVECK  
JOHN P. KIBBIE  
MICHAEL E. GRONSTAL  
ROBERT E. DVORSKY  
JOHNIE HAMMOND  
PATRICIA HARPER  
JOE BOLKCOM  
MIKE CONNOLLY  
TOM FLYNN  
THOMAS FIEGEN  
BETTY A. SOUKUP

MARK SHEARER  
DENNIS H. BLACK  
WALLY E. HORN

**S-3720**

1 Amend House File 759, as passed by the House, as  
2 follows:  
3 1. Page 2, by inserting after line 31, the  
4 following:  
5 "Sec. \_\_\_\_\_. 2001 Iowa Acts, chapter 181, section 4,  
6 is amended to read as follows:  
7 SEC. 4. WORK-STUDY APPROPRIATION NULLIFICATION FOR  
8 FY 2001-2002. Notwithstanding section 261.85, for the  
9 fiscal year beginning July 1, 2001, and ending June  
10 30, 2002, the amount appropriated for the work-study  
11 program under section 261.85 shall be ~~zero~~  
12 \$1,000,000."  
13 2. By renumbering as necessary.

ROBERT E. DVORSKY  
JOE BOLKCOM  
PATRICIA HARPER  
JOHNIE HAMMOND

**S-3721**

1 Amend Senate File 549 as follows:  
2 1. Page 1, line 23, by inserting after the word  
3 "infrastructure" the following: "and assets".

JEFF ANGELO

**S-3722**

1 Amend House File 759, as passed by the House, as  
2 follows:  
3 1. Page 3, by inserting after line 8, the  
4 following:  
5 "Sec. \_\_\_\_\_. IOWA EMPOWERMENT FUND. After applying  
6 the reduction made pursuant to executive order number  
7 24 to the appropriation made for the Iowa empowerment  
8 fund, there is appropriated from the general fund of  
9 the state to the department of education for the  
10 fiscal year beginning July 1, 2001, and ending June  
11 30, 2002, the following amount, or so much thereof as  
12 is necessary, to supplement the following  
13 appropriation:  
14 To supplement the appropriation made in 2001 Iowa  
15 Acts, chapter 181, section 6, subsection 10, for  
16 deposit in the school ready children grants account of

17 the Iowa empowerment fund created in section 28.9:  
 18 .....\$ 630,552"  
 19 2. By renumbering as necessary.

MIKE CONNOLLY

**S-3723**

- 1 Amend House File 759, as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 23, by striking the figure
- 4 "1,000,000" and inserting the following: "3,000,000".

JOHN P. KIBBIE  
 WALLY E. HORN  
 STEVEN D. HANSEN  
 JACK HOLVECK  
 EUGENE S. FRAISE  
 BETTY A. SOUKUP  
 JOE BOLKCOM  
 PATRICIA HARPER  
 THOMAS FIEGEN  
 MARK SHEARER  
 TOM FLYNN  
 DENNIS H. BLACK

**S-3724**

- 1 Amend Senate File 551 as follows:
- 2 1. Page 4, by striking lines 8 through 10 and
- 3 inserting the following: "regents if the board elects
- 4 to participate in the program, and an employee of the
- 5 department of".

MARY E. KRAMER

**S-3725**

- 1 Amend House File 759, as passed by the House, as
- 2 follows:
- 3 1. Page 9, by inserting after line 15 the
- 4 following:
- 5 "Sec. \_\_\_. DEPARTMENT OF HUMAN SERVICES. There is
- 6 appropriated from the Iowa economic emergency fund to
- 7 the department of human services for the fiscal year
- 8 beginning July 1, 2001, and ending June 30, 2002, the
- 9 following amounts, or so much thereof as is necessary,
- 10 to be used for the purposes designated:
- 11 1. For the medically needy program in the medical
- 12 assistance program which shall be continued throughout
- 13 the fiscal year beginning July 1, 2001:

14	.....	\$	12,500,000
15	2. For the family investment program:		
16	.....	\$	1,500,000
17	3. For child and family services:		
18	.....	\$	4,500,000
19	4. For additional program support as determined by		
20	the director of human services:		
21	.....	\$	300,000"
22	2. Page 10, by inserting after line 26 the		
23	following:		
24	"Sec. ____.		
25	COURT APPOINTED SPECIAL ADVOCATE		
26	PROGRAM. There is appropriated from the Iowa economic		
27	emergency fund to the judicial branch for the fiscal		
28	year beginning July 1, 2001, and ending June 30, 2002,		
29	the following amounts, or so much thereof as is		
30	necessary, to be used for the purpose designated:		
31	For the court appointed special advocate program		
32	which shall be continued throughout the fiscal year		
33	beginning July 1, 2001:		
34	.....	\$	1,200,000"
	3. By renumbering as necessary.		

JOHNIE HAMMOND  
 THOMAS FIEGEN  
 PATRICIA HARPER  
 BETTY A. SOUKUP

**S-3726**

- 1 Amend Senate File 554, as follows:
- 2 1. Page 1, line 5, by striking the words "Health
- 3 Services" and inserting the following: "Hospital".
- 4 2. Page 1, line 12, by striking the words "health
- 5 services" and inserting the following: "hospital".
- 6 3. Page 1, line 19, by striking the words "health
- 7 services" and inserting the following: "hospital".
- 8 4. Page 1, line 21, by striking the words "HEALTH
- 9 SERVICES" and inserting the following: "HOSPITAL".
- 10 5. Page 1, by striking lines 27 through 30.
- 11 6. Page 1, by inserting after line 31, the
- 12 following:
- 13 "\_\_\_\_. "Hospital Trust Fund" means the fund created
- 14 in this chapter to secure funds based on hospital
- 15 inpatient and outpatient prospective payment
- 16 methodologies under the medical assistance program."
- 17 7. Page 1, by striking lines 32 through 35.
- 18 8. Page 2, line 4, by striking the words "HEALTH
- 19 SERVICES" and inserting the following: "HOSPITAL".
- 20 9. Page 2, line 6, by striking the words "health
- 21 services" and inserting the following: "hospital".
- 22 10. Page 2, line 8, by striking the words
- 23 "intergovernmental transfer".

- 24 11. Page 2, by striking lines 12 through 17.
- 25 12. Page 2, by striking lines 21 through 24, and
- 26 inserting the following:
- 27 "4. The trust fund shall be separate from the
- 28 general fund of the".
- 29 13. Page 3, by striking lines 1 and 2, and
- 30 inserting the following: "for participation by public
- 31 hospitals."
- 32 14. Page 3, by striking lines 5 through 16.
- 33 15. Page 3, line 35, by striking the word
- 34 "federal".
- 35 16. Title page, line 1, by striking the words
- 36 "health services" and inserting the following:
- 37 "hospital".
- 38 17. By renumbering as necessary.

MARY E. KRAMER

**S-3727**

1 Amend House File 759, as passed by the House, as  
 2 follows:

3 1. Page 2, by inserting after line 15 the  
 4 following:

5 "___ For personal property tax replacement		
6 payments in section 405A.8:		
7 .....	\$	2,420,365
8 ___ For the homestead tax credit in section		
9 425.1:		
10 .....	\$	4,854,700
11 ___ For the extraordinary property tax credit and		
12 reimbursement in section 425.39:		
13 .....	\$	688,000
14 ___ For the agricultural land tax credit in		
15 section 426.1, including \$430,000 for deposit in the		
16 family farm tax credit fund in section 425A.1:		
17 .....	\$	1,681,300
18 ___ For the military service tax credit in		
19 section 426A.1A:		
20 .....	\$	116,100"

21 2. By renumbering as necessary.

TOM FLYNN  
 MICHAEL E. GRONSTAL  
 JOHN P. KIBBIE  
 DENNIS H. BLACK  
 JACK HOLVECK  
 PATRICIA HARPER  
 JOE BOLKCOM  
 EUGENE S. FRAISE

**S-3728**

- 1 Amend Senate File 549 as follows:  
 2 1. Page 10, by inserting after line 23, the  
 3 following:  
 4 "Sec. 100. TASK FORCE ON HOMELAND SECURITY AND  
 5 DEFENSE.  
 6 1. A task force is created to consider and report  
 7 on the state's preparedness to respond to emergencies  
 8 that threaten the state's security. The task force  
 9 shall study issues relating to the detection,  
 10 prevention, preemption, and deterrence of, and  
 11 protection against, attacks targeted at state  
 12 territory, population, and infrastructure. The task  
 13 force shall solicit information from local and state  
 14 government officials, from the Iowa national guard,  
 15 and from any other person or entity deemed appropriate  
 16 relating to the state's preparedness to respond to  
 17 emergencies that threaten the state's security.  
 18 2. The members of the task force shall be  
 19 appointed as follows:  
 20 a. One member appointed by the governor.  
 21 b. One member appointed by the majority leader of  
 22 the senate.  
 23 c. One member appointed by the speaker of the  
 24 house of representatives.  
 25 d. One member appointed by the minority leader of  
 26 the senate.  
 27 e. One member appointed by the minority leader of  
 28 the house of representatives.  
 29 3. The task force shall report to the general  
 30 assembly and the governor by January 15, 2002."  
 31 2. By renumbering as necessary.

JEFF ANGELO

**S-3729**

- 1 Amend Senate File 552 as follows:  
 2 1. Page 6, by striking lines 4 through 8.  
 3 2. By renumbering as necessary.

KEN VEENSTRA

**S-3730**

- 1 Amend House File 759, as passed by the House, as  
 2 follows:  
 3 1. Page 11, by inserting after line 22 the  
 4 following:  
 5 "DIVISION \_\_\_\_  
 6 FUND TRANSFERS

7 Sec. \_\_\_\_ VISION IOWA FUND -- TRANSFER TO REBUILD  
 8 IOWA INFRASTRUCTURE FUND. Notwithstanding sections  
 9 12.71 through 12.77, sections 15F.101 through 15F.106,  
 10 sections 15F.301 through 15F.304, or any other  
 11 provision of law to the contrary, moneys in the vision  
 12 Iowa fund that are unencumbered, unobligated, or not  
 13 otherwise committed for a project approved for funding  
 14 by the vision Iowa board on the effective date of this  
 15 Act, shall be transferred to the rebuild Iowa  
 16 infrastructure fund. Moneys transferred to the  
 17 rebuild Iowa infrastructure fund pursuant to this  
 18 section shall be used for infrastructure projects  
 19 related to recreation, education, entertainment, and  
 20 cultural activities.

21 Sec. \_\_\_\_ REBUILD IOWA INFRASTRUCTURE FUND --  
 22 APPROPRIATION TO ECONOMIC EMERGENCY FUND.  
 23 Notwithstanding section 8.57, subsection 5, paragraph  
 24 "e", a sum equal to the amount transferred to the  
 25 rebuild Iowa infrastructure fund, pursuant to the  
 26 section of this division of this Act transferring  
 27 vision Iowa fund moneys to the rebuild Iowa  
 28 infrastructure fund, is appropriated to the economic  
 29 emergency fund from the rebuild Iowa infrastructure  
 30 fund for the fiscal year beginning July 1, 2001, and  
 31 ending June 30, 2002.

32 Sec. \_\_\_\_ UNENCUMBERED OR UNOBLIGATED MONEYS IN  
 33 REBUILD IOWA INFRASTRUCTURE FUND -- APPROPRIATION TO  
 34 ECONOMIC EMERGENCY FUND. Notwithstanding section  
 35 8.57, subsection 5, or any other provision of law to  
 36 the contrary, moneys in the rebuild Iowa  
 37 infrastructure fund that are unencumbered or  
 38 unobligated at the end of the fiscal year beginning  
 39 July 1, 2001, and ending June 30, 2002, not to exceed  
 40 four million dollars, are appropriated to the economic  
 41 emergency fund."  
 42 2. By renumbering as necessary.

STEVE KING

### S-3731

1 Amend House File 759, as passed by the House, as  
 2 follows:

3 1. Page 11, by inserting after line 22 the  
 4 following:

5 "DIVISION \_\_\_\_  
 6 STATE AID TO SCHOOLS  
 7 FUND TRANSFERS

8 Sec. 100. SCHOOL AID. After applying the  
 9 reduction made pursuant to executive order number 24  
 10 to the appropriation for the following designated  
 11 purpose, there is appropriated from the general fund

12 of the state for the fiscal year beginning July 1,  
 13 2001, and ending June 30, 2002, the sum of the amounts  
 14 transferred to the general fund of the state pursuant  
 15 to sections 101 and 103 of this division of this Act,  
 16 or so much thereof as is necessary, to supplement the  
 17 appropriation for foundation aid and supplementary aid  
 18 in section 257.16.

19 Sec. 101. REBUILD IOWA INFRASTRUCTURE FUND --  
 20 TRANSFER TO GENERAL FUND. Notwithstanding section  
 21 8.57, subsection 5, paragraph "e", a sum equal to the  
 22 amount transferred to the rebuild Iowa infrastructure  
 23 fund pursuant to section 102 of this division of this  
 24 Act shall be transferred to the general fund of the  
 25 state from the rebuild Iowa infrastructure fund for  
 26 the fiscal year beginning July 1, 2001, and ending  
 27 June 30, 2002.

28 Sec. 102. VISION IOWA FUND -- TRANSFER TO REBUILD  
 29 IOWA INFRASTRUCTURE FUND. Notwithstanding sections  
 30 12.71 through 12.77, sections 15F.101 through 15F.106,  
 31 sections 15F.301 through 15F.304, or any other  
 32 provision of law to the contrary, moneys in the vision  
 33 Iowa fund that are unencumbered, unobligated, or not  
 34 otherwise committed for a project approved for funding  
 35 by the vision Iowa board on the effective date of this  
 36 Act, shall be transferred to the rebuild Iowa  
 37 infrastructure fund. Moneys transferred to the  
 38 rebuild Iowa infrastructure fund pursuant to this  
 39 section shall be used for infrastructure projects  
 40 related to recreation, education, entertainment, and  
 41 cultural activities.

42 Sec. 103. UNENCUMBERED OR UNOBLIGATED MONEYS IN  
 43 REBUILD IOWA INFRASTRUCTURE FUND -- TRANSFER TO  
 44 GENERAL FUND. Notwithstanding section 8.57,  
 45 subsection 5, or any other provision of law to the  
 46 contrary, moneys in the rebuild Iowa infrastructure  
 47 fund that are unencumbered or unobligated at the end  
 48 of the fiscal year beginning July 1, 2001, and ending  
 49 June 30, 2002, not to exceed four million dollars,  
 50 shall be transferred to the general fund of the

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1 state."

2 2. By renumbering as necessary.

STEVE KING

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Dettmann, Pamela — 419, 429, 464, 621, 722, 773, 794, 844, 909, 1038

Thomas, Diane — 419, 429, 464, 660, 845

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Balakrishnan, Usha — 722, 774, 795, 892, 947, 1077

Duggan, Terrance — 722, 774, 795, 1033, 1074

Nichols, Dimaggio — 722, 774, 795, 993, 1038

Sickler, Jack — 722, 774, 795, 957, 1038

## Educational Examiners, Board of

Chen, Ying Ying — 723, 771, 792, 920, 946, 1078

Hathaway, Peter — 723, 771, 792, 1086, 1099

Ibarra, Hector — 723, 771, 792, 891, 947

Paulsen, Thomas — 723, 771, 792, 920, 1038

Seeland, Jean — 723, 771, 792, 979, 1038

Stalker, Veronica — 419, 429, 463, 781, 845

Wellborn, Jackie — 419, 422

Westerhaus, Anita — 723, 771, 792, 920, 1038

## Elder Affairs, Commission of

Davis, Harold — 723, 772, 793, 962, 1038

Hightower, Clemmie — 723, 772, 793, 909, 1038

Shah, Yogesh — 723, 772, 793, 909, 946, 994

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Lagneaux, Susan — 723, 774, 796, 910, 947, 1078

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Burgart, Rebecca — 419, 429, 463, 621, 845

Lightbody, Jennifer — 723, 772, 793, 803, 1038

Mohrfeld, Matthew — 723, 772, 793, 909, 1099

Olson-Ilg, Carolyn — 723, 772, 793, 993, 1038

Szymoniak, Elaine — 723, 772, 793, 909, 1038

Engineering and Land Surveying Examining Board

Holly, Forrest, Jr. — 419, 430, 465, 803, 845

Hoogestraat, Diana — 723, 774, 796, 910, 1038

Osipowicz, Dennis — 723, 774, 796, 920, 1038

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Cook, Lisa Davis — 419, 430, 464, 781, 1079

Glanzman, Lori — 723, 773, 795, 920, 1039

Hanson, Darrell — 723, 773, 795, 920, 1039

Murphy, Kathryn — 723, 773, 795, 920, 1039

Tobin, James — 723, 773, 795, 920, 1039

Townsend, Terrance — 723, 773, 795, 920, 1039

Finance Authority, Executive Director of the Iowa

Tramontina, Michael, L. — 421, 431, 467, 648, 1102

Finance Authority, Iowa

Caudron, Roger — 724, 776, 799, 879, 1039

Evans, Nancy — 724, 776, 799, 958, 1099

Wright, Richard — 421, 432, 467, 648, 724, 776, 799, 845, 879, 1039

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King, Connie Bear — 723, 772, 793, 993, 1099

Nuss, Larry — 723, 772, 793, 962, 1039

Perry, Lil — 723, 772, 793, 909, 1039

Rohret, Teresa — 723, 772, 793, 962, 1072

Grain Indemnity Fund Board, Iowa

Hershberger, Edwin — 723, 771, 791, 803, 946, 1080

Kaldenberg, Thomas — 420, 429, 463, 608, 723, 771, 791, 803, 845

Health Facilities Council

Beauman, Cynthia — 723, 772, 793, 962, 1056

Butz, Gary — 723, 772, 793, 909, 1039

Hearing Aid Dealers, Board for the Licensing and Regulation of

Smith, Michael — 723, 774, 796, 910, 1039

Wolnerman, Michael — 723, 774, 796, 910, 1039

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Hartman, Roger — 724, 772, 793, 909, 1039

Miller, James — 724, 772, 793, 909, 1039

Schoer, Sylvia — 420, 429, 463, 803, 845

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- Eisenhauer, Cynthia — 420, 430, 465, 803, 845
- Glenn, Sandra — 420, 430, 465, 803, 845
- Kolmer, Diane — 420, 430, 465, 803, 832, 1050
- Lapointe, Timothy — 420, 430, 465, 804, 845
- Smith, Sharman — 420, 430, 465, 804, 845
- Vasquez, Rose — 420, 430, 465, 804, 845

## Information Technology Department, Director of

- Varn, Richard J. — 420, 430, 465, 802, 1553

## Information Technology Department, Division Administrators of

- Combs, Daniel A. — 420, 430, 465, 802, 1054
- Dell, Sandra L. — 420, 430, 465, 802, 1053
- O'Leary, Deborah A. — 420, 431, 466, 802, 1051
- Rozinek, Russell F. — 420, 430, 465, 802, 1052
- Sperry, Sharon K. — 420, 430, 465, 802, 1053

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- Boyken, Quentin — 420, 431, 466, 804, 845
- Carter, Marsha — 420, 431, 466, 804, 845
- Flagel, Gail — 420, 431, 466, 804, 845
- Ginapp, Jane — 420, 431, 466, 804, 845
- Hayworth, Kelly — 420, 431, 466, 804, 845
- Hiemstra, Craig — 420, 431, 466, 804, 845
- Johnson, Carol — 420, 431, 466, 804, 845
- Moody, Corlis — 420, 431, 466, 804, 845
- Neri, Richard — 420, 431, 466, 804, 845
- Newby, Julie — 420, 431, 466, 804, 845
- Skow, Bob — 420, 431, 466, 804, 845
- Strentz, Herbert — 420, 431, 466, 804, 845
- Wellman, John — 420, 431, 466, 804, 845

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- Hutchinson, Ann — 724, 774, 796, 910, 1039
- Kelley, Bruce — 724, 774, 796, 910, 1039
- Stockdale, Joanne — 724, 774, 796, 910, 1039

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- Birmingham, Constance — 724, 773, 794, 993, 1039
- Courtney, Thomas — 724, 773, 794, 803, 1039
- Taylor, John — 724, 773, 794, 993, 994, 1103

## Judicial Qualifications, Commission on

- Kammeier, Ruth — 724, 773, 794, 993, 1104

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- Cröse, Jon — 724, 774, 797, 910, 1039
- Nelson, Grace — 724, 774, 797, 946, 1039

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  - Lillquist, Thomas — 724, 776, 798, 957, 1039
  - Link, Patty — 724, 776, 798, 957, 1099
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  - Monson, Mark — 421, 430, 464, 559, 845
  - Parker, Nate — 724, 773, 794, 892, 1099
  - Sliva, Kari — 421, 430, 464, 559, 845
- Massage Therapy, Board of Examiners for
  - Brooks, Debra — 421, 431, 466, 804, 846
  - Buchanan, Robert — 724, 775, 797, 946, 947, 1105
  - Fisher, Justin — 421, 431, 466, 804, 846
  - Grady, Jeanine — 724, 775, 797, 910, 1039
- Medical Examiners, Board of
  - Brinkman, John — 724, 775, 797, 946, 1039
  - Byrne, Michael — 421, 431, 466, 724, 775, 797, 804, 846, 946, 1039
  - Holdiman, Dale — 724, 775, 797, 910, 947, 1107
  - Johnson, Susan — 421, 431, 466, 804, 846
- Mental Health and Developmental Disabilities Commission
  - Alt, Sally — 724, 772, 793, 909, 1039
  - Bergan, Michael — 724, 772, 793, 909, 1040
  - Campbell, Richard — 724, 772, 793, 962, 1099
  - Hall, Murlean — 724, 772, 793, 909, 1040
  - Riveland, Marc — 724, 772, 793, 993, 994
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  - Kremer, Ralph — 725, 773, 795, 957, 1040
  - Stutsman, Sally — 725, 773, 795, 803, 1040
- Mortuary Science Examiners, Board of
  - Hoffbauer, Ronald — 725, 775, 797, 910, 1040
  - Porter, Ricard — 725, 775, 797, 910, 1040
- Natural Resources Commission
  - Francisco, Richard — 421, 430, 464, 549, 846
  - Marcantonio, Janice — 725, 773, 795, 920, 1040
  - Schneider, Joan — 725, 773, 795, 920, 1040
- Natural Resources, Director of the Department of
  - Vonk, Jeffrey R. — 421, 430, 464, 559, 802, 1355
- Nursing Examiners, Board of
  - Brady, Linda — 725, 775, 797, 910, 1040
  - Hulse, Merlin — 725, 775, 797, 920, 1040
  - Miller, William — 725, 775, 797, 910, 1040
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  - Boeding, Claudia — 725, 775, 797, 910, 1040
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- Parole, Board of
  - Jenkins, Curtis — 725, 773, 794, 993, 1040
  - Kirk, Rogers — 725, 773, 794, 957, 1040
- Peace Officers' Retirement, Accident, and Disability System Trustee
  - Lillis, Terrance — 421, 431, 466, 804, 846
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  - Holcomb, James — 725, 773, 795, 920, 1040
- Pharmacy Examiners, Board of
  - Abramowitz, Paul — 421, 431, 466, 804, 846
  - Bolton, G. Kay — 725, 775, 797, 910, 1040
  - Seifert, Michael — 725, 775, 797, 910, 1040
- Physical & Occupational Therapy Examiners, Board of
  - Stewart, Cheryl — 725, 775, 797, 910, 1040
  - Ungs, Martin — 725, 775, 797, 910, 1040
  - Walderbach, Kurt — 725, 775, 797, 910, 1040
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  - Cunningham, James — 725, 772, 793, 962, 1041
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- Podiatry Examiners, Board of
  - Jensen, Eric — 725, 775, 797, 910, 1041
  - Langrehr, Angela — 421, 431, 466, 804, 846
  - Lozier, Kim — 725, 775, 797, 910, 1041
  - Wilber, Matthew — 725, 775, 797, 946, 1041
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  - Courtney, Daniel — 726, 775, 798, 946, 1041
- Racing and Gaming Commission, State
  - Mahaffey, Michael — 726, 775, 798, 920, 1041
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  - Bruce, Richard — 726, 775, 798, 910, 1041
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  - Koestner, Richard — 726, 775, 798, 946, 1041
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  - Woline, Dorothy — 726, 775, 798, 946, 947, 1045
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  - Arbisser, Amir — 726, 771, 792, 891, 993, 1106
  - Becker, Mary Ellen — 726, 771, 792, 979, 993, 1108
  - Nieland, Sue — 726, 771, 792, 891, 993, 1108
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  - Andersen-Schank, Karen — 421, 430, 464, 621, 846
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  - Motz, William — 726, 775, 798, 920, 1041
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  - Yeager, Clark — 726, 771, 792, 892, 1041

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LaBounty, Douglas — 726, 774, 795, 892, 1041

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Clemens, Lance — 726, 775, 798, 910, 1041

McCoy, Janice — 726, 775, 798, 911, 1041

Oman, Jennifer — 726, 775, 798, 911, 1041

Westphal, Joyce — 726, 775, 798, 911, 1041

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Hoy, Jennifer — 726, 771, 791, 803, 846

Meyer, Madeline — 726, 771, 791, 803, 1041

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Johnson, Laura — 726, 775, 798, 911, 947, 1044

Lowder, Kenneth — 726, 775, 798, 911, 947, 1044

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Carlyle, David — 727, 772, 793, 909, 946, 1042

Dahlen, Kermit — 422, 429, 463, 621, 846

Daugherty, Dixie — 422, 429, 463, 803, 846

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Pomrehn, Paul — 422, 429, 464, 621, 847

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Connell, Gregg — 422, 431, 467, 727, 775, 798, 804, 847, 911, 1041

Dandekar, Swati — 422, 431, 467, 804, 847

Gartner, Michael, Chairperson — 422, 431, 467, 802, 1109

Juon, Sharon — 422, 431, 467, 804, 847

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- Bartz, Merlin — Senator, Tenth District
- Boettger, Nancy — Senator, Forty-first District
- Maddox, Gene — Senator, Thirty-eighth District
- Redwine, John — Senator, Second District
- Veenstra, Kenneth — Senator, Third District

## ASSISTANT MINORITY LEADERS

- Hammond, Johnie — Senator, Thirty-first District
- Hansen, Steve — Senator, First District
- Kibbie, John P. — Senator, Fourth District
- McCoy, Matt — Senator, Thirty-fourth District
- Soukup, Betty — Senator, Fifteenth District

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- Certificates of recognition — 126
- Resolutions introduced — 225, 980, 1226
- Senate committee appointments — 25
- Statutory appointments — 362, 363, 365

## FREEMAN, MARY LOU — Senator, Fifth District

- Amendments filed — 835, 839, 884, 950, 1006, 1035, 1195, 1443, 1566
- Bills introduced — 53, 80, 87, 88, 113, 145, 208, 217, 283, 369, 370, 452, 488
- Presentations — 267
- Resolutions introduced — 18, 225, 500, 888, 980, 1230
- Senate committee appointments — 25
- Statutory appointments — 363

## GASKILL, E. THURMAN — Senator, Eighth District

- Amendments filed — 839, 1035, 1333, 1341, 1419, 1566
- Amendments offered — 680, 1341
- Bills introduced — 53, 80
- Certificates of recognition — 928
- Resolutions introduced — 225, 279, 500, 663, 888, 980, 1230
- Senate committee appointments — 25
- Statutory appointments — 364

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## GOVERNOR VILSACK, THOMAS

- Address to joint convention — 55
- Appointments — 419–422, 721–727
- Bills signed — 374, 499, 508, 656, 781, 891, 931, 1135, 1165, 1193, 1206, 1226, 1254, 1289, 1328, 1361, 1417, 1469, 1515, 1560, 1612–1614, 2590
- Closing message — 1610
- Committees to notify — 10, 13, 55, 69, 1608, 1609
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- Veto messages — 931, 1516, 1560, 1619, 1620

## GREINER, SANDRA H. — Senator, Forty-eighth District

- Amendments filed — 183, 376, 740, 818, 819, 827, 835, 949, 1006, 1035, 1169, 1282, 1283, 1330, 1464, 1472, 1504
- Amendments offered — 445, 818, 819, 827, 850, 1184, 1283, 1345, 1464, 1585
- Amendments withdrawn — 818, 819, 849, 1012, 1282
- Bills introduced — 53, 80, 88, 283
- Certificates of recognition — 432, 953
- Presentations — 970
- Resolutions introduced — 224, 500, 625, 663, 980, 1230
- Senate committee appointments — 25, 26

## GRONSTAL, MICHAEL E. — Senator, Forty-second District, Minority Leader

- Address to the Senate — 4
- Amendments filed — 150, 161, 221, 222, 244, 301, 312, 332, 456, 528, 532, 536, 551, 568, 571, 573, 645, 732, 739, 779, 853, 872, 939, 971, 1021, 1035, 1084, 1139, 1211, 1255, 1256, 1295, 1313–1317, 1330, 1331, 1385, 1417–1419, 1443, 1472, 1500, 1541–1543, 1545, 1546, 1550, 1565, 1566, 1596, 1641, 2573, 2576
- Amendments offered — 161, 244, 248, 301, 312, 528, 532, 536, 553, 568, 571, 573, 732, 764, 829, 853, 939, 1021, 1211, 1311, 1500, 1580, 1637
- Amendments withdrawn — 242, 764, 872
- Bills introduced — 116, 146, 280–283, 317, 318, 326, 339, 340, 347, 359, 369–371, 381, 414, 469, 516, 628, 652, 665, 916, 1406, 1459
- Resolutions introduced — 225, 272, 279, 280, 578, 650, 980, 1119, 1230, 1628
- Senate committee appointments — 26
- Statutory appointments — 362

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**HAMMOND, JOHNNIE** — Senator, Thirty-first District, Assistant Minority Leader

Amendments filed — 150, 161, 221, 222, 244, 245, 285, 305, 306, 310, 319, 332, 342, 343, 455, 456, 523, 524, 570, 572, 645, 691, 868, 902, 1035, 1073, 1084, 1116, 1147, 1195, 1228, 1255, 1256, 1275, 1293–1295, 1299, 1313, 1316, 1330, 1351, 1356, 1365, 1371, 1386, 1417–1419, 1443, 1473, 1488, 1498, 1500, 1520, 1541–1546, 1549, 1550, 1556, 1565, 1596, 1641, 2573, 2575, 2576

Amendments offered — 305, 306, 310, 523, 524, 570, 572, 691, 1122, 1123, 1299, 1371, 1392, 1411, 1424–1428, 1488, 1549, 2575

Amendments withdrawn — 570, 1302, 1413, 1426, 2577

Bills introduced — 19, 145, 189, 218, 252, 262, 280–283, 317, 318, 325, 326, 339, 340, 347, 358, 359, 369–371, 381, 382, 389, 414, 424, 469, 487, 500, 516, 543, 580, 600, 625, 651, 665, 1602

Certificates of recognition — 1382

Conference committee appointments & reports — 1267, 1381

Presentations — 677

Resolutions introduced — 279, 650, 695, 980, 1230, 1348, 1448

Senate committee appointments — 26, 173, 1624

Statutory appointments — 362, 365, 366

**HANSEN, STEVE** — Senator, First District, Assistant Minority Leader

Amendments filed — 150, 171, 221, 222, 335, 456, 457, 475, 503, 551, 568–570, 572, 645, 739, 740, 779, 839, 872, 938, 944, 1006, 1031, 1035, 1189, 1212, 1255–1257, 1292–1294, 1298, 1300, 1331, 1332, 1351, 1386, 1419, 1500, 1541, 1542, 1545–1550, 1565, 1596, 2575, 2576

Amendments offered — 244, 248, 335, 568–572, 869, 871, 872, 939, 1031, 1212, 1274, 1300, 1351, 1393, 1547–1549, 2576

Amendments withdrawn — 243, 249, 569–572, 869, 871, 1212, 1351, 1548, 1549

Bills introduced — 164, 231, 232, 253, 281, 283, 317, 318, 339, 348, 359, 369, 370, 381, 382, 389, 415, 424, 470, 471, 516, 517, 543, 544, 628, 665, 783, 1227

Certificates of recognition — 992

Resolutions introduced — 225, 280, 980, 1230, 1288, 1347

Senate committee appointments — 26, 1624

Statutory appointments — 365

**HARPER, PATRICIA M.** — Senator, Thirteenth District

Amendments filed — 150, 161, 221, 222, 244, 245, 302, 304, 314, 319, 332, 456, 521, 645, 656, 949, 1035, 1084, 1092, 1147, 1255, 1256, 1292–1295, 1313–1316, 1330, 1365, 1385, 1418, 1419, 1443, 1473, 1498, 1500, 1541–1546, 1550, 1556, 1565, 1596, 1641, 2573, 2575, 2576

Amendments offered — 302, 304, 314, 521, 970, 1084, 1122, 1147, 1297, 1412, 1455, 1460, 1491, 1498, 1544, 1641

Amendments withdrawn — 1413

## HARPER, PATRICIA M. — continued

- Bills introduced — 145, 189, 262, 280–283, 317, 318, 326, 339, 340, 347, 358, 359, 369–371, 381, 382, 389, 414, 424, 451, 469, 488, 500, 516, 517, 543, 580, 651, 665
- Petitions presented — 694
- Presentations — 484
- Resolutions introduced — 225, 279, 316, 352, 469, 543, 650, 695, 980, 1096, 1230, 1348, 1448
- Senate committee appointments — 26
- Statutory appointments — 362–364

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## HOLVECK, JACK — Senator, Thirty-sixth District

- Amendments filed — 150, 160, 222, 244, 245, 309, 456, 535, 645, 868, 949, 968, 1034, 1035, 1169, 1195, 1202, 1255–1257, 1265, 1292–1295, 1300, 1310, 1313, 1315–1317, 1385, 1417–1419, 1443, 1472, 1473, 1488, 1500, 1502, 1519, 1541–1546, 1550, 1565, 1566, 1596, 2573, 2575, 2576
- Amendments offered — 160, 309, 535, 868, 1124, 1202, 1265, 1272, 1279, 1310, 1320, 1391, 1488, 1502, 1550
- Amendments withdrawn — 1319, 1502
- Bills introduced — 19, 189, 262, 280–283, 317, 318, 326, 339, 340, 347, 359, 369–371, 381, 382, 414, 424, 469, 487, 516, 543, 545, 599, 600, 625, 651, 665, 1602
- Certificates of recognition — 608
- Conference committee appointments & reports — 1267
- Explanations of votes — 321, 416
- Resolutions introduced — 650, 695, 980, 1230, 1348, 1448
- Senate committee appointments — 26
- Statutory appointments — 362, 364

## HORN, WALLY E. — Senator, Twenty-seventh District

- Amendments filed — 455, 645, 839, 1006, 1035, 1149, 1169, 1255, 1256, 1295, 1298, 1310, 1313, 1314, 1317, 1419, 1443, 1500, 1519, 1541–1546, 1550, 1566, 1596, 2575, 2576
- Amendments offered — 1404, 1556
- Amendments withdrawn — 1404
- Bills introduced — 280–283, 317, 318, 326, 339, 340, 347, 358, 359, 369–371, 381, 389, 414, 424, 469, 516, 543, 580, 651, 665
- Petitions presented — 207, 694

## HORN, WALLY E. — continued

- Resolutions introduced — 225, 272, 543, 650, 695, 956, 980, 1230, 1304, 1348, 1448
- Senate committee appointments — 26
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- Senate File 62, S-3378 — 1164; Senate concurred — 1188
- Senate File 65, S-3009 — 184; Senate concurred — 195
- Senate File 81, S-3426 — 1241; Senate concurred — 1263
- Senate File 84, S-3427 — 1241; Senate concurred — 1259
- Senate File 98, S-3612 — 1458; Senate concurred — 1530
- Senate File 114, S-3348 — 1098; Senate concurred — 1154
- Senate File 140, S-3611 — 1458; Senate concurred — 1480
- Senate File 168, S-3359 — 1141; Senate concurred — 1187
- Senate File 203, S-3535 — 1339; Senate amended and concurred — 1358
- Senate File 209, S-3444 — 1246; Senate concurred — 1264
- Senate File 211, S-3634 — 1489; Senate concurred — 1569
- Senate File 222, S-3380 — 1170; Senate concurred — 1185
- Senate File 242, S-3379 — 1170; Senate concurred — 1197
- Senate File 336, S-3436 — 1246; Senate concurred — 1268
- Senate File 342, S-3381 — 1170
- Senate File 346, S-3376 — 1164; Senate refused to concur — 1188
- Senate File 349, S-3374 — 1164; Senate refused to concur — 1218
- Senate File 350, S-3494 — 1306; Senate amended and concurred — 1335
- Senate File 355, S-3347 — 1098; Senate concurred — 1144
- Senate File 410, S-3335 — 1067; Senate concurred — 1325
- Senate File 433, S-3336 — 1067; Senate concurred — 1128
- Senate File 452, S-3350 — 1098; Senate concurred — 1171
- Senate File 458, S-3377 — 1164; Senate amended and concurred — 1377
- Senate File 466, S-3443 — 1247; Senate refused to concur — 1318
- Senate File 470, S-3438 — 1247; Senate refused to concur — 1399
- Senate File 473, S-3434 — 1247; Senate concurred — 1267
- Senate File 476, S-3694 — 1568; Senate concurred — 1592
- Senate File 480, S-3640 — 1497; Senate concurred — 1507
- Senate File 499, S-3571 — 1378; Senate concurred — 1479
- Senate File 515, S-3633 — 1489; Senate concurred — 1503
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- Senate File 526, S-3558 — 1370; Senate concurred — 1375
- Senate File 528, S-3592 — 1423; Senate concurred — 1438
- Senate File 531, S-3708 — 1595; Senate concurred — 1597
- Senate File 532, S-3568 — 1370; Senate amended and concurred — 1409
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- Senate File 537, S-3645 — 1497; Senate amended and concurred — 1532
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House File 356, S-3375 — 1164; Senate concurred — 1200  
House File 590, S-3456 — 1271; Senate concurred — 1399  
House File 670, S-3653 — 1511; Senate concurred — 1512  
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## HOUSER, HUBERT — Senator, Forty-third District

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Amendments filed — 730, 948, 964, 1000, 1001  
Appointees, investigation of — 429, 463, 464, 621, 772, 792, 793, 803,  
909, 946, 962, 993  
Appointments to — 21  
Bills introduced by — 199, 230, 339, 347, 380, 381, 404, 516, 588, 599,  
624-626, 663, 664, 699  
Bills referred to — 19, 66, 83, 87, 113, 119, 164, 173, 218, 231, 273, 325,  
329, 340, 348, 381, 390, 434, 450, 451, 471, 477, 479, 507, 517, 540,  
544, 554, 589, 612, 628, 786, 806, 820, 849, 878, 894, 973, 989, 1606,  
1607  
Committee meeting reports — 65, 104, 127, 144, 189, 215, 279, 324, 368,  
394, 478, 557, 609, 622, 649, 800, 887, 954, 995  
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636, 670, 671, 704, 730, 906, 907, 948, 964, 1000, 1001  
Study bills — 120, 121, 190, 209, 274, 372, 489, 547, 602  
Subcommittee assignments — 88, 114, 123, 124, 169, 192, 210, 219, 255,  
274, 275, 349, 359, 360, 373, 405, 415, 490, 491, 508, 548, 549, 589,  
590, 603, 632, 668, 834, 881, 889, 930, 981

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IVERSON, STEWART E., JR. — Senator, Ninth District, Majority Leader

Address to the Senate — 3

Amendments filed — 221, 853, 971, 1021, 1317, 1419, 1636

Amendments offered — 1317, 1636

Bills introduced — 53, 80, 88, 283, 916, 1383, 1406, 1459

Presentations — 18, 986

Presiding at sessions of the Senate — 1163

Resolutions introduced — 18, 224, 272, 279, 280, 500, 512, 578, 650, 888, 980, 1119, 1230, 1348, 1448, 1628

Senate committee appointments — 26

Statutory appointments — 362

JENSEN, JOHN W. — Senator, Eleventh District

Amendments filed — 391, 442, 447, 606, 709, 779, 786, 1006, 1084, 1092, 1139, 1419, 1518, 1565, 1587

Amendments offered — 564, 786, 1320, 1578, 1587

Amendments withdrawn — 1578

Bills introduced — 53, 67, 80, 88, 132, 283, 347, 665

Honors — 1231

Presentations — 1487

Resolutions introduced — 225, 279, 543, 888, 980, 1119, 1230, 1383, 1448

Senate committee appointments — 26

Statutory appointments — 362, 363

JOHNSON, JOANN — Senator, Thirty-ninth District

Amendments filed — 457, 740, 779, 834, 920, 1035, 1139, 1256, 1332, 1386, 1419, 1549, 1565, 1566, 1604, 1637, 1638

Amendments offered — 494, 810, 841, 849, 1172, 1549, 1638

Amendments withdrawn — 810, 841, 1172, 1637

Bills introduced — 53, 80, 88, 105, 113, 119, 145, 155, 164, 283, 324–326, 370, 543, 557

## JOHNSON, JOANN — continued

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Presentations — 1120

Resolutions introduced — 18, 224, 279, 500, 543, 663, 888, 980, 1230, 1448

Senate committee appointments — 27, 1624

Statutory appointments — 364

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Appointees, investigation of — 429, 464, 508, 577, 621, 660, 773, 794, 803, 879, 908, 909, 947, 957, 993, 994

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**KIBBIE, JOHN P.** — Senator, Fourth District, Assistant Minority Leader

Amendments filed — 150, 221, 222, 244, 245, 312, 332, 442, 447, 456, 523, 584, 606, 645, 709, 779, 834, 835, 839, 883, 897, 935, 939, 1006, 1035, 1092, 1229, 1255, 1256, 1293–1295, 1298, 1300, 1310, 1314, 1324, 1332, 1365, 1418, 1443, 1459, 1500, 1519, 1541–1546, 1550, 1565, 1566, 1579, 1632, 1641, 2573, 2575, 2576

Amendments offered — 312, 523, 717, 935, 961, 1298, 1309, 1310, 1324, 1632, 1641, 2575

Amendments withdrawn — 1148, 1341, 1634

Bills introduced — 67, 87, 113, 119, 134, 155, 178, 189, 231, 252, 280–283, 317, 318, 326, 339, 340, 347, 348, 358, 359, 369–371, 381, 382, 389, 414, 424, 452, 469, 516, 580, 589, 625, 651, 665, 667

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Explanations of votes — 1034

Presentations — 658

Resolutions introduced — 225, 395, 696, 880, 888, 980, 1230, 1347, 1448

Senate committee appointments — 27

Statutory appointments — 363–366

**KING, STEVE** — Senator, Sixth District

Amendments filed — 584, 708, 740, 759, 824, 839, 853, 939, 950, 1006, 1073, 1157, 1168, 1255, 1332, 1386, 1411, 1464, 1635, 2577, 2578

Amendments offered — 562, 759, 824, 853, 939, 1131, 1157, 1278, 1411, 1635, 2577, 2578

Amendments withdrawn — 1009, 1131

Bills introduced — 53, 67, 88, 113, 119, 132, 173, 178, 283, 381, 451

Certificates of recognition — 694, 1253

Conference committee appointments & reports — 1267, 1381, 1382

Explanations of votes — 1176

Presentations — 913

Resolutions introduced — 18, 225, 487, 500, 625, 880, 888, 980, 1071, 1347

Senate committee appointments — 27

Statutory appointments — 362, 363, 365, 366

**KRAMER, MARY E.** — Senator, Thirty-seventh District, President of the Senate

Address to the Senate — 1

Amendments filed — 708, 1006, 1351, 1419, 1443, 1460, 1531, 2564, 2568

Amendments offered — 711, 1351, 1454, 1460, 2564, 2568

Amendments withdrawn — 1455, 1460

Bills introduced — 53, 80, 88, 145, 1406

Certificates of recognition — 208

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Presentations — 99, 713, 1410, 1463

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- Resolutions introduced — 18, 224, 279, 280, 500, 512, 625, 650, 888, 980, 1119, 1230, 1348, 1448
- Senate committee appointments — 16, 27
- Statutory appointments — 362, 365

## LAMBERTI, JEFF — Senator, Thirty-third District

- Amendments filed — 157, 456, 521, 642, 839, 884, 1006, 1157, 1168, 1180, 1195, 1233, 1333, 1386, 1409, 1419, 1472, 1518, 1531, 1540, 1547, 1548, 1550, 1556, 1557, 1561, 1565, 1579, 1580, 1630
- Amendments offered — 521, 822, 896, 1180, 1233, 1244, 1409, 1540, 1547, 1550, 1554, 1557, 1577–1581, 1630
- Amendments withdrawn — 1537, 1556, 1580
- Bills introduced — 53, 66, 80, 87, 88, 105, 145, 190, 283, 424, 425, 434
- Certificates of recognition — 486
- Resolutions introduced — 225, 389, 500, 625, 729, 888, 980, 1230
- Senate committee appointments — 27
- Statutory appointments — 362

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- Senators appointed — 362

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- Amendments filed — 435, 604, 1072
- Appointees, investigation of — 430, 464, 559, 773, 781, 794, 795, 803, 892, 957
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- Bills referred to — 51, 87, 88, 92, 113, 132, 133, 146, 155, 167, 231, 282, 286, 294, 318, 425, 470, 689, 820, 903, 960, 989, 990, 1607
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- Study bills — 168, 190, 218, 219, 372, 396, 471, 580, 581, 629, 631, 652
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## LUNDBY, MARY A. — Senator, Twenty-sixth District

- Amendments filed — 935, 1035, 1084, 1092, 1256, 1272, 1332, 1351, 1364, 1386, 1411, 1472, 1531, 1566
- Amendments offered — 935, 1218, 1341, 1351, 1411, 1412, 1531, 1583
- Bills introduced — 53, 80, 88, 105, 119, 132, 164, 189, 293, 371, 381, 382, 470, 480, 543, 589, 601, 627, 628
- Resolutions introduced — 18, 225, 279, 500, 956, 980, 1348
- Senate committee appointments — 27
- Statutory appointments — 363–365

## MADDOX, GENE — Senator, Thirty-eighth District, Assistant Majority Leader

- Amendments filed — 456, 762, 779, 865, 939, 944, 1035, 1084, 1092, 1169, 1257, 1332, 1419, 1472
- Amendments offered — 762, 840, 1148, 1153, 1479
- Amendments withdrawn — 1319
- Bills introduced — 53, 80, 82, 87, 114, 133, 254, 359, 543
- Petitions presented — 207
- Presentations — 484, 553
- Presiding at sessions of the Senate — 959
- Resolutions introduced — 224, 292, 316, 500, 543, 888, 980, 1348
- Senate committee appointments — 27
- Statutory appointments — 363, 365

## MAJORITY LEADER, Senator Stewart Iverson Jr. — (See IVERSON, STEWART E., JR.)

## McCOY, MATT — Senator, Thirty-fourth District, Assistant Minority Leader

- Amendments filed — 221, 222, 244, 245, 306, 332, 645, 740, 1006, 1035, 1168, 1211, 1255, 1256, 1292–1295, 1299, 1300, 1313, 1317, 1330, 1331, 1385, 1419, 1541, 1542, 1544–1546, 1550, 1566, 1586, 1596, 1641, 2576
- Amendments offered — 245, 249, 306, 875, 1211, 1542, 1586
- Amendments withdrawn — 1587
- Bills introduced — 145, 254, 280–283, 317, 318, 326, 339, 340, 347, 358, 359, 369–371, 381, 389, 414, 469, 516, 651, 665
- Certificates of recognition — 110, 1165
- Presentations — 247
- Resolutions introduced — 225, 980, 1230
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## McKEAN, ANDY — Senator, Twenty-eighth District, President Pro Tempore of the Senate

- Amendments filed — 584, 779, 834, 865, 1072, 1169, 1195, 1365, 1419, 1566
- Amendments offered — 759, 865, 1319, 1403

## McKEAN, ANDY — continued

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Amendments offered — 197, 902, 922, 1123, 1248, 1389, 1394, 1426

Bills introduced — 53, 80, 82, 253, 254, 390, 479, 488, 544, 612, 628, 729

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Petitions presented — 1205

Presentations — 710

Presiding at sessions of the Senate — 1174

Resolutions introduced — 224, 279, 316, 450, 500, 980, 1348

Senate committee appointments — 29, 30

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Appointees, investigation of — 776, 798, 957, 958

Appointments to — 22

Bills introduced by — 273, 340, 404, 500, 506, 626, 629, 664

Bills referred to — 53, 80, 87, 105, 145, 217, 231, 253, 273, 381, 382, 396, 404, 425, 488, 507, 513, 544, 600, 973, 989

Committee meeting reports — 66, 104, 154, 189, 216, 261, 279, 324, 368, 394, 479, 610, 624, 649, 777, 800, 955, 997

Committee reports — 193, 275, 342, 406, 503, 510, 639, 675, 778, 1005

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## VEENSTRA, KENNETH — Senator, Third District, Assistant Majority Leader

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Amendments offered — 1155, 1425, 1429, 2570

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- Bills introduced — 53, 67, 80, 88, 119, 177, 178, 283, 425
- Certificates of recognition — 173, 214, 278
- Presentations — 658, 1024
- Presiding at sessions of the Senate — 203, 418, 569, 848, 1022, 1261, 1339
- Resolutions introduced — 18, 225, 500, 512, 625, 663, 888, 916, 980, 1230, 1347
- Senate committee appointments — 30
- Statutory appointments — 365, 366

## VETO MESSAGES — (See also ITEM VETO MESSAGES)

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- Senate File 222 — 1516
- Senate File 410 — 1560
- Senate File 516 — 1619
- Senate File 521 — 1620

## VILSACK, THOMAS — (See GOVERNOR VILSACK, THOMAS)

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- Appointments to — 22
- Bills introduced by — 133, 254, 255, 325, 650, 651, 738, 888, 962, 963, 981, 1089, 1096, 1119, 1166, 1167, 1327, 1361
- Bills referred to — 18, 19, 66, 67, 80, 82, 87, 113, 114, 118, 132, 155, 164, 173, 178, 194, 252, 273, 318, 324, 326, 329, 339, 371, 372, 389, 390, 401, 425, 433, 434, 451, 452, 487, 501, 504, 517, 544, 554, 580, 601, 612, 688, 700, 783, 836, 885, 1192, 1207, 1210, 1245, 1247, 1271, 1340, 1346, 1366, 1367, 1421, 1424, 1485, 1497, 1511, 1602, 1607, 1626, 1639, 2561
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- Study bills — 106, 114, 135, 146, 147, 191, 209, 233, 235, 832, 833, 881, 916, 917, 1071, 1136, 1254
- Subcommittee assignments — 67, 81, 89, 97, 107, 114, 135, 136, 148, 191, 192, 210, 211, 219, 236, 238, 255, 284, 360, 384, 397, 434, 435, 473, 507, 517, 518, 548, 558, 603, 614, 653, 738, 834, 881, 882, 917, 918, 1072, 1137, 1227, 1254, 1255, 1289, 1348, 1368, 1422, 1441, 1515, 1528, 1602, 1646

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**ZIEMAN, MARK — Senator, Sixteenth District**

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Amendments offered — 336, 817, 1132, 1145

Bills introduced — 53, 67, 80, 88, 113, 262, 283, 372

Certificates of recognition — 126, 608, 953, 992

Petitions presented — 505

Resolutions introduced — 18, 225, 500, 625, 663, 888, 980, 1230

Senate committee appointments — 30

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